

## First Supplement to Memorandum 2021-14

**2021 Legislative Program: CPRA Recodification and Conforming Revisions**

---

In late 2019, the Commission approved the following final recommendations:

- (1) *California Public Records Act Clean-Up*, 46 Cal. L. Revision Comm'n Reports 207 (2019).
- (2) *California Public Records Act Clean-Up: Conforming Revisions*, 46 Cal. L. Revision Comm'n Reports 563 (2019).<sup>1</sup>

Assemblymember Chau introduced bills to implement those recommendations in 2020, but had to withdraw them due to the pandemic.<sup>2</sup> He reintroduced the proposed legislation this year, as Assembly Bill 473 (Chau) and Assembly Bill 474 (Chau).

Some revisions were necessary to update the proposed legislation before it was reintroduced. In addition, some revisions of the Commission's Comments to the proposed legislation are necessary to reflect the current content of the bills.

This supplement addresses those matters. It discusses the Commission's proposed recodification of the California Public Records Act ("CPRA") first, and then turns to the conforming revisions.

All of the revisions described in this supplement are purely technical. **The Commission needs to decide whether they are acceptable.**

**Absent input, the staff recommends treating this as a consent item at the upcoming meeting.** If anyone has a concern about a proposed revision, please express it before the meeting or be prepared to raise it for discussion at the meeting.

---

1. Any California Law Revision Commission document referred to in this memorandum can be obtained from the Commission. Recent materials can be downloaded from the Commission's website ([www.clrc.ca.gov](http://www.clrc.ca.gov)). Other materials can be obtained by contacting the Commission's staff, through the website or otherwise.

The Commission welcomes written comments at any time during its study process. Any comments received will be a part of the public record and may be considered at a public meeting. However, comments that are received less than five business days prior to a Commission meeting may be presented without staff analysis.

2. See AB 2138 (Chau, 2020), AB 2438 (Chau, 2020).

## AB 473: PROPOSED CPRA RECODIFICATION

AB 473 would implement the Commission's proposed recodification of the CPRA — i.e., the recommendation on *California Public Records Act Clean-Up*. The Commission has already approved the changes that were necessary to update the proposed legislation in that recommendation.<sup>3</sup>

Some of the Comments in the proposed recodification refer to “the CPRA Recodification Act of 2020.” Those Comments need to be revised to refer to “CPRA Recodification Act of 2021.” As so revised, those Comments are shown at Exhibit pages 1-2. **The staff presumes there will not be any objections to these revisions.**

## AB 474: CONFORMING REVISIONS

AB 474 is a huge bill (913 pages), which would revise 462 code provisions that cross-refer to the CPRA. The revisions would conform those cross-references to the new statutory scheme proposed in AB 473. For example, a provision that currently refers to “the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 of the Government Code)” would be revised to refer to “the California Public Records Act (Division 10 (commencing with Section 7920.000) of Title 1 of the Government Code).”

Preparation of AB 474 required extensive updating of the proposed legislation in the Commission's 2019 recommendation on *California Public Records Act Clean-Up: Conforming Revisions*. In particular, the following changes were made:

- Conforming revisions of 32 more code sections were added, as shown at Exhibit pages 3-54. Most of these sections were recently added to the codes, or recently amended to cross-refer to the CPRA. For various reasons, the other code sections in this group did not surface in our previous searches for CPRA cross-references.<sup>4</sup>
- Some of the code sections in the 2019 recommendation were recently amended,<sup>5</sup> so it was necessary to use the new versions of

---

3. See Minutes (Dec. 2020), p. 3; see also Memorandum 2020-67.

4. Until 2020, for example, Business and Professions Code Section 25622 erroneously referred to Section “6520” instead of Section “6250,” so it did not turn up when the staff searched the codes for cross-references to “6250.”

5. See the following provisions:

- Bus. & Prof. Code § 27 (amended by 2020 Cal. Stat. ch. 312, § 1 (SB 1474)).
- Bus. & Prof. Code § 655 (amended by 2020 Cal. Stat. ch. 121, § 3 (AB 896)).

those code sections in drafting AB 474, in place of the old versions. This was simple and straightforward, presenting no complications that require the Commission's attention.<sup>6</sup>

- One code section in the 2019 recommendation (Health and Safety Code Section 127673) was repealed and added in 2020, but the version that was added does not cross-refer to the CPRA. Consequently, AB 474 does not include a conforming revision of that section. Similarly, the Commission should withdraw its proposed amendment of Section 127673 and the corresponding Comment from its proposal.<sup>7</sup>
- The 2019 recommendation includes amendments of three provisions that are scheduled to sunset before AB 473 and AB 474 would become operative.<sup>8</sup> Consequently, AB 474 does not include conforming revisions of those sections. Similarly, the Commission should withdraw its proposed amendments of those sections and the corresponding Comments from its proposal.<sup>9</sup>
- Due to the one-year delay caused by the pandemic, the section specifying the bill's operative date was revised to replace "January 1, 2022" with "January 1, 2023" in two places.<sup>10</sup>
- Similarly, the language that prevents bill conflicts (the subordination clause) was revised to replace a reference to "the 2020 calendar year" with a reference to "the 2021 calendar year."<sup>11</sup>

- 
- Bus. & Prof. Code § 4857 (amended by 2020 Cal. Stat. ch. 252, § 1 (SB 800)).
  - Bus. & Prof. Code § 9882.6 (amended by 2020 Cal. Stat. ch. 370, § 13 (SB 1371)).
  - Civ. Code § 1798.82 (amended by 2020 Cal. Stat. ch. 370, § 29 (SB 1371)).
  - Fam. Code § 17212 (amended by 2020 Cal. Stat. ch. 36, § 30 (AB 3364)).
  - Fin. Code § 22380 (amended by 2020 Cal. Stat. ch. 174, § 1 (AB 2196)).
  - Gov't Code § 65913.4 (amended by 2020 Cal. Stat. ch. 194, § 1.5 (AB 831)). This section was also amended by last year's bill on maintenance of the codes. See 2020 Cal. Stat. ch. 370, § 178 (SB 1371). The technical revisions made by that bill would have become law, but they were chaptered out pursuant to Government Code Section 9605. AB 474 incorporates those technical revisions even though they were chaptered out.
  - Ins. Code § 922.41 (amended by 2020 Cal. Stat. ch. 71, § 2 (AB 2049)).
  - Ins. Code § 11873 (amended by 2020 Cal. Stat. ch. 16, § 9 (AB 84)).
  - Ins. Code § 12921.3 (amended by 2020 Cal. Stat. ch. 184, § 46 (SB 1255)).
  - Mil. & Vet. Code § 55 (amended by 2020 Cal. Stat. ch. 97, § 13 (AB 2193)). This section was also amended by last year's bill on maintenance of the codes. See 2020 Cal. Stat. ch. 370, § 227 (SB 1371). The technical revisions made by that bill would have become law, but they were chaptered out pursuant to Government Code Section 9605. AB 474 incorporates those technical revisions even though they were chaptered out.
  - Pub. Cont. Code § 20119.3 (amended by 2020 Cal. Stat. ch. 46, § 4 (AB 1981)).
  - Welf. & Inst. Code § 14124.24 (amended by 2020 Cal. Stat. ch. 12, § 61 (AB 80)).

6. AB 474 is available at [https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=202120220AB474](https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220AB474).

7. See Exhibit p. 57.

8. See Penal Code § 290.46, as amended by 2018 Cal. Stat. ch. 423, § 57 (to be repealed by its own terms on Jan. 1, 2022); Pub. Cont. Code §§ 20665.24 (to be repealed on Jan. 1, 2022, pursuant to Pub. Cont. Code § 20665.33), 20919.24 (to be repealed on Jan. 1, 2022, pursuant to Pub. Cont. Code § 20919.33).

9. See Exhibit p. 57.

10. See Section 463 of AB 474.

- A set of legislative findings was added.<sup>12</sup> These findings are similar to the ones that the Commission approved for the proposed CPRA recodification.<sup>13</sup>

In addition, some of the Comments to conforming revisions in the Commission’s 2019 recommendation require revisions to match the content of AB 474. For example, the Comment to the conforming revision of Business and Professions Code Section 9882.6 refers to a grammatical correction that was necessary in 2019,<sup>14</sup> but is no longer necessary because the grammatical error was fixed in 2020.<sup>15</sup> That Comment and a number of others should be fixed as shown at Exhibit pages 55-57.

**Are all of the revisions described above acceptable to the Commission?**

Respectfully submitted,

Barbara Gaal  
Chief Deputy Director

---

11. See Section 465 of AB 474.

12. See Section 464 of AB 474, which says:

The California Public Records Act recodification bill (Assembly Bill \_\_ of the 2021-22 Regular Session) would recodify the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 of the Government Code) in a more user-friendly manner without changing its substance. This act would make conforming revisions throughout the codes to reflect that recodification.

Consistent with subdivision (b) of Section 3 of Article I of the California Constitution, the Legislature finds and declares:

(a) The California Public Records Act recodification bill (Assembly Bill \_\_ of the 2021-22 Regular Session) and this act continue the existing substantive balance between the public’s right of access to information concerning the conduct of public business and competing interests. Neither the California Public Records Act recodification bill (Assembly Bill \_\_) nor this act imposes any new limitation on the public’s right of access, which would require findings demonstrating the interest protected by the new limitation and the need for protecting that interest.

(b) By making the California Public Records Act more user-friendly, the California Public Records Act recodification bill (Assembly Bill \_\_) and this act further the public’s right of access to information concerning the conduct of public business.

The blanks were necessary because the bill to recodify the CPRA had not yet been introduced and thus did not have a bill number. These blanks will be fixed later in the legislative process to refer to AB 473. Four typographical errors in the conforming revision of Code of Civil Procedure Section 130 (erroneous references to “Part 4” instead of “Part 5”) could be fixed at the same time.

13. See *California Public Records Act Clean-Up*, 46 Cal. L. Revision Comm’n Reports 207, 518 (2019).

14. See *California Public Records Act Clean-Up: Conforming Revisions*, 46 Cal. L. Revision Comm’n Reports 563, 602 (2019); see also Pre-Print Recommendation on *California Public Records Act Clean-Up: Conforming Revisions* (Nov. 2019, long version), p. 48 (on file with Commission).

15. See 2020 Cal. Stat. ch. 370, § 13 (SB 1371).

## CPRA CLEAN-UP: REVISED COMMENTS

### 1 **Gov't Code § 7920.100. Nonsubstantive reform**

2 **Comment.** Section 7920.100 is new. It is modeled on Penal Code Section 16005. It makes  
3 clear that the CPRA Recodification Act of 2021 has no substantive impact. The act is intended  
4 solely to make the California Public Records Act more user-friendly. For background, see  
5 *California Public Records Act Clean-Up*, 46 Cal. L. Revision Comm'n Reports 207 (2019).

6 For specific guidance on the impact of a judicial decision interpreting a predecessor of a  
7 provision in this division, see Section 7920.110. For specific guidance on the impact of an  
8 Attorney General opinion interpreting a predecessor of a provision in this division, see Section  
9 7920.115. For specific guidance on the impact of a judicial decision or Attorney General opinion  
10 assessing the constitutionality of a predecessor of a provision in this division, see Section  
11 7920.120.

12 See Sections 7920.005 ("CPRA Recodification Act of 2021"), 7920.530 ("public records").

### 13 **Gov't Code § 7920.105. Continuation of existing law**

14 **Comment.** Section 7920.105 is new. Subdivision (a) is similar to Section 2, which is a  
15 standard provision found in many codes. See, e.g., Bus. & Prof. Code § 2; Corp. Code § 2; Fam.  
16 Code § 2; Penal Code §§ 5, 16010(a); Prob. Code § 2(a); Veh. Code § 2.

17 Subdivision (b) is drawn from Section 9604 and Penal Code Section 16010(b).

18 Subdivision (c) is drawn from Family Code Section 2 and Penal Code Section 16010(c).

19 See Section 7920.005 ("CPRA Recodification Act of 2021").

### 20 **Gov't Code § 7920.110. Judicial decision interpreting former law**

21 **Comment.** Section 7920.110 is new. It is modeled on Penal Code Section 16020.

22 Subdivision (a) makes clear that case law construing a predecessor provision is relevant in  
23 construing its successor in the CPRA Recodification Act of 2021.

24 Subdivisions (b) and (c) make clear that in recodifying former Sections 6250-6276.48, the  
25 Legislature has not taken any position on any case interpreting any of those provisions.

26 For specific guidance on the impact of an Attorney General opinion interpreting a predecessor  
27 of a provision in this division, see Section 7920.115. For specific guidance on the impact of a  
28 judicial decision or Attorney General opinion assessing the constitutionality of a predecessor of a  
29 provision in this division, see Section 7920.120. For general guidance on the nonsubstantive  
30 impact of the CPRA Recodification Act of 2021, see Section 7920.100.

31 See Section 7920.005 ("CPRA Recodification Act of 2021").

### 32 **Gov't Code § 7920.115. Attorney General opinion interpreting former law**

33 **Comment.** Section 7920.115 is new. It is comparable to Section 7920.110, but it pertains to  
34 Attorney General opinions rather than judicial decisions.

35 Subdivision (a) makes clear that Attorney General opinions construing a predecessor provision  
36 are relevant in construing its successor in the CPRA Recodification Act of 2021.

37 Subdivisions (b) and (c) make clear that in recodifying former Sections 6250-6276.48, the  
38 Legislature has not taken any position on any Attorney General opinion interpreting any of those  
39 provisions.

40 For specific guidance on the impact of a judicial decision interpreting a predecessor of a  
41 provision in this division, see Section 7920.110. For specific guidance on the impact of a judicial  
42 decision or Attorney General opinion assessing the constitutionality of a predecessor of a

1 provision in this division, see Section 7920.120. For general guidance on the nonsubstantive  
2 impact of the CPRA Recodification Act of 2021, see Section 7920.100.  
3 See Section 7920.005 (“CPRA Recodification Act of 2021”).

4 **Gov’t Code § 7920.120. Constitutionality**

5 **Comment.** Section 7920.120 is new. It is modeled on Penal Code Section 16025. Due to the  
6 prevalence and significant impact of Attorney General opinions on CPRA issues, the section  
7 expressly refers to Attorney General opinions as well as judicial decisions.

8 Subdivision (a) makes clear that case law and Attorney General opinions on the  
9 constitutionality of a predecessor provision are relevant in determining the constitutionality of its  
10 successor in the CPRA Recodification Act of 2021.

11 Subdivisions (b) and (c) make clear that in recodifying former Sections 6250-6276.48, the  
12 Legislature has not taken any position on the constitutionality of any of those provisions.

13 For specific guidance on the impact of a judicial decision interpreting a predecessor of a  
14 provision in this division, see Section 7920.110. For specific guidance on the impact of an  
15 Attorney General opinion interpreting a predecessor of a provision in this division, see Section  
16 7920.115. For general guidance on the nonsubstantive impact of the CPRA Recodification Act of  
17 2021, see Section 7920.100.

18 See Section 7920.005 (“CPRA Recodification Act of 2021”).

19 **Gov’t Code § 7920.505. “Former Section 6254 provisions”**

20 **Comment.** Section 7920.505 is new. It provides a convenient means of referring to the  
21 provisions that comprised former Section 6254.

22 For a disposition table showing where each provision in former Section 6254 was recodified,  
23 as well as a derivation table showing the source of each provision in the CPRA Recodification of  
24 2021, see *California Public Records Act Clean-Up*, 46 Cal. L. Revision Comm’n Reports 207  
25 (2019).

26 See Section 7920.005 (“CPRA Recodification Act of 2021”).

27 **§ 7923.630. Rule of construction**

28 **Comment.** Section 7923.630 is new. It underscores that Sections 7923.600, 7923.605,  
29 7923.610, 7923.615, 7923.620, and 7923.625 (the six preceding provisions in this article) derive  
30 from a single subdivision and should be construed accordingly.

31 The purpose of this section is to provide useful information where it is particularly needed due  
32 to the high volume of matters involving the law enforcement exemption to the California Public  
33 Records Act (“CPRA”). Courts and others interpreting the CPRA should not draw any inferences  
34 from the failure to include similar statutory language elsewhere.

35 See Section 7920.005 (“CPRA Recodification Act of 2021”); see also Section 7920.100  
36 (nonsubstantive reform).

NEW CONFORMING REVISIONS FOR  
THE CPRA RECODIFICATION

	<i>Exhibit page</i>
Business and Professions Code § 161 (amended). Access to public records .....	4
Business and Professions Code § 25622 (amended). Beer with caffeine added .....	4
Educ. Code § 47604.1 (amended). Open meeting and similar requirements applicable to charter school or entity managing charter school .....	4
Gov't Code § 8301.3 (amended). Authority and duties of Task Force and its members .....	7
Gov't Code § 11000.5 (amended). Review of discretionary grant application .....	7
Gov't Code § 11019.7 (amended). Personal information in mail sent by state agency .....	8
Gov't Code § 12274 (amended). Record management duties of head of state agency .....	9
Gov't Code § 12999 (amended). Pay data report .....	10
Gov't Code § 13073.6 (amended). Data containing personal information.....	12
Gov't Code § 14462 (amended). Records of audit, evaluation, investigation, or review .....	12
Gov't Code § 54230.5 (amended). Disposal of land in violation of article.....	13
Gov't Code § 64511 (amended). Duties of Bay Area Housing Finance Authority and related entities .....	16
Gov't Code § 64626 (amended). Challenge to imposition of commercial linkage fee .....	17
Health & Safety Code § 1324.22 (amended). Quality assurance fee .....	18
Health & Safety Code § 1339.88 (amended). Hospital diversity commission .....	21
Health & Safety Code § 25215.51 (amended). LABRIC Program .....	23
Health & Safety Code § 50220.6 (amended). Data for Homeless Management Information System .....	24
Health & Safety Code § 50222 (amended). Data collection and reporting .....	25
Health & Safety Code § 111792.6 (amended). Disclosure requirements for cosmetic products .....	26
Health & Safety Code § 116456 (amended). Determination of notification level or response level .....	30
Health & Safety Code § 127673.81 (amended). Privacy and confidentiality .....	31
Health & Safety Code § 127696 (amended). Protection of proprietary, confidential information .....	32
Ins. Code § 11401.5 (amended). Opinion of qualified actuary .....	32
Pub. Cont. Code § 20663.3 (amended). Award of best value contract by community college district .....	33
Pub. Res. Code § 14547 (amended). Minimum postconsumer recycled plastic .....	35
Pub. Res. Code § 21189.70.1 (amended). Environmental impact statement for transit- oriented development project in Old Town Center site .....	38
Pub. Res. Code § 25364 (amended). Confidential information.....	42
Unemp. Ins. Code § 14109 (amended). Collection of information for implementation of SEED Initiative .....	44
Welf. & Inst. Code § 4903 (amended). Access of protection and advocacy agency to records of people with disabilities .....	45
Welf. & Inst. Code § 12301.24 (amended). Provider orientation and related matters .....	50
Welf. & Inst. Code § 14105.334 (amended). Drug rebate program .....	52
Welf. & Inst. Code § 16519.55 (amended). Recruitment of resource families .....	53

**Business and Professions Code § 161 (amended). Access to public records**

1 SEC. \_\_. Section 161 of the Business and Professions Code is amended to read:

2 161. The department, or any board in the department, may, in accordance with  
3 the California Public Records Act (~~Chapter 3.5 (commencing with Section 6250)~~  
4 ~~of Division 7~~ (Division 10 (commencing with Section 7920.000)) of Title 1 of the  
5 Government Code) and the Information Practices Act of 1977 (Chapter 1  
6 (commencing with Section 1798) of Title 1.8 of Part 4 of Division 3 of the Civil  
7 Code), make available to the public copies of any part of its respective public  
8 records, or compilations, extracts, or summaries of information contained in its  
9 public records, at a charge sufficient to pay the actual cost thereof. That charge  
10 shall be determined by the director with the approval of the Department of General  
11 Services.

12 **Comment.** Section 161 is amended to reflect nonsubstantive recodification of the California  
13 Public Records Act. See *California Public Records Act Clean-Up*, 46 Cal. L. Revision Comm'n  
14 Reports 2017 (2019).

15 **Business and Professions Code § 25622 (amended). Beer with caffeine added**

16 SEC. \_\_. Section 25622 of the Business and Professions Code is amended to  
17 read:

18 25622. (a) Beer to which caffeine has been directly added as a separate  
19 ingredient shall not be imported into this state, produced, manufactured, or  
20 distributed within this state, or sold by a licensed retailer within this state.

21 (b) The department may require licensees to submit product formulas as it  
22 determines to be necessary to implement and enforce this section. Any information  
23 required to be provided by any licensee to the department pursuant to this section  
24 shall be considered confidential and corporate proprietary information. This  
25 information shall not be subject to disclosure under the California Public Records  
26 Act (~~Chapter 3.5 (commencing with Section 6250)~~ of ~~Division 7~~ (Division 10  
27 (commencing with Section 7920.000)) of Title 1 of the Government Code).

28 **Comment.** Section 25622 is amended to reflect nonsubstantive recodification of the California  
29 Public Records Act. See *California Public Records Act Clean-Up*, 46 Cal. L. Revision Comm'n  
30 Reports 2017 (2019).

31 **Educ. Code § 47604.1 (amended). Open meeting and similar requirements applicable to**  
32 **charter school or entity managing charter school**

33 SEC. \_\_. 47604.1. (a) For purposes of this section, an “entity managing a charter  
34 school” means a nonprofit public benefit corporation that operates a charter school  
35 consistent with Section 47604. An entity that is not authorized to operate a charter  
36 school pursuant to Section 47604 is not an “entity managing a charter school”  
37 solely because it contracts with a charter school to provide to that charter school  
38 goods or task-related services that are performed at the direction of the governing  
39 body of the charter school and for which the governing body retains ultimate  
40 decisionmaking authority.



1 (b) A charter school and an entity managing a charter school shall be subject to  
2 all of the following:

3 (1) The Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of  
4 Part 1 of Division 2 of Title 5 of the Government Code), except that a charter  
5 school operated by an entity pursuant to Chapter 5 (commencing with Section  
6 47620) shall be subject to the Bagley-Keene Open Meeting Act (Article 9  
7 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2  
8 of the Government Code) regardless of the authorizing entity.

9 (2)(A) The California Public Records Act (~~Chapter 3.5 (commencing with~~  
10 ~~Section 6250) of Division 7~~ (Division 10 (commencing with Section 7920.000) of  
11 Title 1 of the Government Code).

12 (B)(i) The chartering authority of a charter school shall be the custodian of  
13 records with regard to any request for information submitted to the charter school  
14 if either of the following apply:

15 (I) The charter school is located on a federally recognized California Indian  
16 reservation or rancheria.

17 (II) The charter school is operated by a nonprofit public benefit corporation that  
18 was formed on or before May 31, 2002, and is currently operated by a federally  
19 recognized California Indian tribe.

20 (ii) This subparagraph does not allow a chartering authority to delay or obstruct  
21 access to records otherwise required under the California Public Records Act  
22 (~~Chapter 3.5 (commencing with Section 6250) of Division 7~~ (Division 10  
23 (commencing with Section 7920.000) of Title 1 of the Government Code).

24 (3) Article 4 (commencing with Section 1090) of Chapter 1 of Division 4 of  
25 Title 1 of the Government Code.

26 (4)(A) The Political Reform Act of 1974 (Title 9 (commencing with Section  
27 81000) of the Government Code).

28 (B) For purposes of Section 87300 of the Government Code, a charter school  
29 and an entity managing a charter school shall be considered an agency and is the  
30 most decentralized level for purposes of adopting a conflict-of-interest code.

31 (c)(1)(A) The governing body of one charter school shall meet within the  
32 physical boundaries of the county in which the charter school is located.

33 (B) A two-way teleconference location shall be established at each schoolsite.

34 (2)(A) The governing body of one nonclassroom-based charter school that does  
35 not have a facility or operates one or more resource centers shall meet within the  
36 physical boundaries of the county in which the greatest number of pupils who are  
37 enrolled in that charter school reside.

38 (B) A two-way teleconference location shall be established at each resource  
39 center.

40 (3)(A) For a governing body of an entity managing one or more charter schools  
41 located within the same county, the governing body of the entity managing a  
42 charter school shall meet within the physical boundaries of the county in which  
43 that charter school or schools are located.

1 (B) A two-way teleconference location shall be established at each schoolsite  
2 and each resource center.

3 (4)(A) For a governing body of an entity that manages two or more charter  
4 schools that are not located in the same county, the governing body of the entity  
5 managing the charter schools shall meet within the physical boundaries of the  
6 county in which the greatest number of pupils enrolled in those charter schools  
7 managed by that entity reside.

8 (B) A two-way teleconference location shall be established at each schoolsite  
9 and each resource center.

10 (C) The governing body of the entity managing the charter schools shall audio  
11 record, video record, or both, all the governing board meetings and post the  
12 recordings on each charter school's internet website.

13 (5) This subdivision does not limit the authority of the governing body of a  
14 charter school and an entity managing a charter school to meet outside the  
15 boundaries described in this subdivision if authorized by Section 54954 of the  
16 Government Code, and the meeting place complies with Section 54961 of the  
17 Government Code.

18 (d) Notwithstanding Article 4 (commencing with Section 1090) of Chapter 1 of  
19 Division 4 of Title 1 of the Government Code, an employee of a charter school  
20 shall not be disqualified from serving as a member of the governing body of the  
21 charter school because of that employee's employment status. A member of the  
22 governing body of a charter school who is also an employee of the charter school  
23 shall abstain from voting on, or influencing or attempting to influence another  
24 member of the governing body regarding, all matters uniquely affecting that  
25 member's employment.

26 (e) To the extent a governing body of a charter school or an entity managing a  
27 charter school engages in activities that are unrelated to a charter school, Article 4  
28 (commencing with Section 1090) of Chapter 1 of Division 4 of Title 1 of the  
29 Government Code, the Ralph M. Brown Act (Chapter 9 (commencing with  
30 Section 54950) of Part 1 of Division 2 of Title 5 of the Government Code), the  
31 Bagley-Keene Open Meeting Act (Article 9 (commencing with Section 11120) of  
32 Chapter 1 of Part 1 of Division 3 of Title 2 of the Government Code), the  
33 California Public Records Act (~~Chapter 3.5 (commencing with Section 6250) of~~  
34 ~~Division 7~~ Division 10 (commencing with Section 7920.000) of Title 1 of the  
35 Government Code), and the Political Reform Act of 1974 (Title 9 (commencing  
36 with Section 81000) of the Government Code) shall not apply with regard to those  
37 unrelated activities unless otherwise required by law.

38 (f) A meeting of the governing body of a charter school to discuss items related  
39 to the operation of the charter school shall not include the discussion of any item  
40 regarding an activity of the governing body that is unrelated to the operation of the  
41 charter school.

42 (g) The requirements of this section shall not be waived by the state board  
43 pursuant to Section 33050 or any other law.

1 **Comment.** Section 47604.1 is amended to reflect nonsubstantive recodification of the  
2 California Public Records Act. See *California Public Records Act Clean-Up*, 46 Cal. L. Revision  
3 Comm'n Reports 2017 (2019).

4 **Gov't Code § 8301.3 (amended). Authority and duties of Task Force and its members**

5 SEC. \_\_. Section 8301.3 of the Government Code is amended to read:

6 8301.3. (a) For the purpose of carrying out the provisions of this chapter, the  
7 Task Force may do all of the following:

8 (1) Hold hearings and sit and act at any time and location in California.

9 (2) Request the attendance and testimony of witnesses.

10 (3) Request the production of books, records, correspondence, memoranda,  
11 papers, and documents.

12 (4) Seek an order from a Superior Court compelling testimony or compliance  
13 with a subpoena.

14 (b) Any subcommittee or member of the Task Force may, if authorized by the  
15 Task Force, take any action that the Task Force is authorized to take pursuant to  
16 this section.

17 (c) The Task Force may acquire directly from the head of any state agency  
18 available information that the Task Force considers useful in the discharge of its  
19 duties. All state agencies shall cooperate with the Task Force with respect to such  
20 information and shall furnish all information requested by the Task Force to the  
21 extent permitted by law. The Task Force shall keep confidential any information  
22 received from a state agency that is confidential or exempt from the California  
23 Public Records Act (~~Chapter 3.5 (commencing with Section 6250) of Division 7~~  
24 Division 10 (commencing with Section 7920.000) of Title 1).

25 **Comment.** Section 8301.3 is amended to reflect nonsubstantive recodification of the California  
26 Public Records Act. See *California Public Records Act Clean-Up*, 46 Cal. L. Revision Comm'n  
27 Reports 2017 (2019).

28 **Gov't Code § 11000.5 (amended). Review of discretionary grant application**

29 SEC. \_\_. Section 11000.5 of the Government Code is amended to read:

30 11000.5. (a) A state agency shall not permit an evaluator to review a  
31 discretionary grant application submitted by an organization or a person for which  
32 the evaluator was a representative, voting member, or staff member within the  
33 two-year period preceding receipt of that application.

34 (b) For purposes of this section:

35 (1) "Organization" does not include a public agency as defined in Section ~~6252~~  
36 7920.525, an auxiliary organization as defined in Section 89901 of the Education  
37 Code, or an entity of the federal government.

38 (2) "Person" shall have the same meaning as defined in Section ~~6252~~ 7920.520.

39 (3) "Representative" does not include an unpaid volunteer.

40 (4) "Staff member" does not include an unpaid volunteer.

1 **Comment.** Section 11000.5 is amended to reflect nonsubstantive recodification of the  
2 California Public Records Act. See *California Public Records Act Clean-Up*, 46 Cal. L. Revision  
3 Comm'n Reports 2017 (2019).

4 **Gov't Code § 11019.7 (amended). Personal information in mail sent by state agency**

5 SEC. \_\_\_. Section 11019.7 of the Government Code is amended to read:

6 158. (a) A state agency shall not send any outgoing United States mail to an  
7 individual that contains personal information about that individual, including, but  
8 not limited to, the individual's social security number, telephone number, driver's  
9 license number, or credit card account number, unless that personal information is  
10 contained within sealed correspondence and cannot be viewed from the outside of  
11 that sealed correspondence.

12 (b)(1) Notwithstanding any other law, commencing on or before January 1,  
13 2023, a state agency shall not send any outgoing United States mail to an  
14 individual that contains the individual's social security number unless the number  
15 is truncated to its last four digits, except in the following circumstances:

16 (A) Federal law requires inclusion of the social security number.

17 (B) The documents are mailed to a current or prospective state employee.

18 (C) An individual erroneously mailed a document containing a social security  
19 number to a state agency, and the state agency is returning the original document  
20 by certified or registered United States mail.

21 (D) The Controller is returning documents to an individual previously submitted  
22 by the individual pursuant to Chapter 7 (commencing with Section 1500) of Title  
23 10 of Part 3 of the Code of Civil Procedure.

24 (E) The document is sent in response to a valid request for access to personal  
25 information, pursuant to Section 1798.34 of the Civil Code.

26 (2)(A) On or before September 1, 2021, each state agency that mails an  
27 individual's full or truncated part of a social security number to that individual,  
28 other than as permitted by paragraph (1), shall report to the Legislature regarding  
29 when and why it does so.

30 (B) A state agency that, in its own estimation, is unable to comply with the  
31 requirements of paragraph (1) of this subdivision shall submit an annual corrective  
32 action plan to the Legislature until it is in compliance with that paragraph.

33 (C) A report required by subparagraph (A) of this paragraph or corrective action  
34 plan required by subparagraph (B) of this paragraph and communications made in  
35 connection with these documents that bear on what mailings do and do not contain  
36 an individual's social security number, are confidential and shall not be disclosed  
37 to the public pursuant to any state law, including, but not limited to, the California  
38 Public Records Act (~~Chapter 3.5 (commencing with Section 6250) of Division 7~~  
39 Division 10 (commencing with Section 7920.000 of Title 1 of the Government  
40 Code).

1 (3)(A) The requirement for submitting a report imposed under subparagraph (A)  
2 of paragraph (2) is inoperative on January 1, 2024, pursuant to Section 10231.5 of  
3 the Government Code.

4 (B) A report to be submitted pursuant to subparagraph (A) or (B) of paragraph  
5 (2) shall be submitted in compliance with Section 9795 of the Government Code.

6 (c) “Outgoing United States mail” for the purposes of this section includes  
7 correspondence sent via a common carrier, including, but not limited to, a package  
8 express service and a courier service.

9 (d) Notwithstanding subdivision (a) of Section 11000, “state agency” includes  
10 the California State University.

11 **Comment.** Section 11019.7 is amended to reflect nonsubstantive recodification of the  
12 California Public Records Act. See *California Public Records Act Clean-Up*, 46 Cal. L. Revision  
13 Comm’n Reports 2017 (2019).

14 **Gov’t Code § 12274 (amended). Record management duties of head of state agency**

15 SEC. \_\_. Section 12274 of the Government Code is amended to read:

16 12274. The head of a state agency shall do all of the following:

17 (a) Establish and maintain an active, continuing program for the economical and  
18 efficient management of the records and information collection practices of the  
19 agency. The program shall ensure that the information needed by the agency may  
20 be obtained with a minimum burden upon individuals and businesses, especially  
21 small business enterprises and others required to furnish the information.  
22 Unnecessary duplication of efforts in obtaining information shall be eliminated as  
23 rapidly as practical. Information collected by the agency shall, as far as is  
24 expedient, be collected and tabulated in a manner that maximizes the usefulness of  
25 the information to other state agencies and the public.

26 (b) Determine, with the concurrence of the Secretary of State, records essential  
27 to the functioning of state government in the event of a major disaster.

28 (c) When requested by the Secretary of State, provide a written justification for  
29 storage or extension of scheduled retention of a record in the State Records Center  
30 for a period of 50 years or more. The Secretary of State shall review and approve  
31 any scheduled retention of a record in the State Records Center for a period of 50  
32 years or more. A record deemed to have archival value shall be transferred to the  
33 State Archives. Upon transfer of a record of archival value to the State Archives,  
34 the head of the state agency shall notify the Secretary of State if the record  
35 contains information that is not subject to public disclosure or is restricted from  
36 disclosure for a period of time pursuant to the California Public Records Act  
37 (~~Chapter 3.5 (commencing with Section 6250) of Division 7 (Division 10~~  
38 (commencing with Section 7920.000) of Title 1), the Information Practices Act of  
39 1977 (Chapter 1 (commencing with Section 1798) of Title 1.8 of Part 4 of  
40 Division 3 of the Civil Code), or other applicable federal or state law.

41 (d) Comply with the rules, regulations, standards, and procedures issued by the  
42 Secretary of State.

1 (e) Appoint a representative from the agency to serve as the Records  
2 Management Coordinator and notify the Secretary of State’s California Records  
3 and Information Management Program within 30 days of the appointment.

4 (f) Notify the Secretary of State when records are stored with a third-party  
5 vendor or digitized by a third-party vendor.

6 **Comment.** Section 12274 is amended to reflect nonsubstantive recodification of the California  
7 Public Records Act. See *California Public Records Act Clean-Up*, 46 Cal. L. Revision Comm’n  
8 Reports 2017 (2019).

9 **Gov’t Code § 12999 (amended). Pay data report**

10 SEC. \_\_. Section 12999 of the Government Code is amended to read:

11 12999. (a) On or before March 31, 2021, and on or before March 31 each year  
12 thereafter, a private employer that has 100 or more employees and who is required  
13 to file an annual Employer Information Report (EEO-1) pursuant to federal law  
14 shall submit a pay data report to the department covering the prior calendar year,  
15 which, for purposes of this section, shall be referred to as the “Reporting Year.”  
16 The department shall make the reports available to the Division of Labor  
17 Standards Enforcement upon request.

18 (b) The pay data report shall include the following information:

19 (1) The number of employees by race, ethnicity, and sex in each of the following  
20 job categories:

21 (A) Executive or senior level officials and managers.

22 (B) First or mid-level officials and managers.

23 (C) Professionals.

24 (D) Technicians.

25 (E) Sales workers.

26 (F) Administrative support workers.

27 (G) Craft workers.

28 (H) Operatives.

29 (I) Laborers and helpers.

30 (J) Service workers.

31 (2) The number of employees by race, ethnicity, and sex, whose annual earnings  
32 fall within each of the pay bands used by the United States Bureau of Labor  
33 Statistics in the Occupational Employment Statistics survey.

34 (3) For purposes of establishing the numbers required to be reported under  
35 paragraph (1), an employer shall create a “snapshot” that counts all of the  
36 individuals in each job category by race, ethnicity, and sex, employed during a  
37 single pay period of the employer’s choice between October 1 and December 31  
38 of the “Reporting Year.”

39 (4) For purposes of establishing the numbers to be reported under paragraph (2),  
40 the employer shall calculate the total earnings, as shown on the Internal Revenue  
41 Service Form W-2, for each employee in the “snapshot,” for the entire “Reporting  
42 Year,” regardless of whether or not an employee worked for the full calendar year.

1 The employer shall tabulate and report the number of employees whose W-2  
2 earnings during the “Reporting Year” fell within each pay band.

3 (c) The employer shall include in the report the total number of hours worked by  
4 each employee counted in each pay band during the “Reporting Year.”

5 (d) For employers with multiple establishments, the employer shall submit a  
6 report for each establishment and a consolidated report that includes all  
7 employees. The report shall include the employer’s North American Industry  
8 Classification System (NAICS) code.

9 (e) The report shall include a section for employers to provide clarifying  
10 remarks regarding any of the information provided. An employer is not required to  
11 provide clarifying remarks.

12 (f) The information required by this section shall be made available in a format  
13 that allows the department to search and sort the information using readily  
14 available software.

15 (g) If an employer submits to the department a copy of the employer’s Employer  
16 Information Report, otherwise known as an EEO-1 Report, containing the same or  
17 substantially similar pay data information required under this section, then the  
18 employer is in compliance with this section.

19 (h) If the department does not receive the required report from an employer, the  
20 department may seek an order requiring the employer to comply with these  
21 requirements and shall be entitled to recover the costs associated with seeking the  
22 order for compliance.

23 (i) It shall be unlawful for any officer or employee of the department or the  
24 Division of Labor Standards Enforcement to make public in any manner whatever  
25 any individually identifiable information obtained pursuant to their authority under  
26 this section prior to the institution of an investigation or enforcement proceeding  
27 by the Division of Labor Standards Enforcement or the department under Section  
28 1197.5 of the Labor Code or Section 12940 involving that information, and only to  
29 the extent necessary for purposes of the enforcement proceeding. For the purposes  
30 of this section, “individually identifiable information” means data submitted  
31 pursuant to this section that is associated with a specific person or business.

32 (j) Any individually identifiable information submitted to the department  
33 pursuant to this section shall be considered confidential information and not  
34 subject to disclosure pursuant to the California Public Records Act (~~Chapter 3.5~~  
35 ~~(commencing with Section 6250) of Division 7 (Division 10 (commencing with~~  
36 ~~Section 7920.000) of Title 1).~~

37 (k) Notwithstanding subdivision (i), the department may develop, publish on an  
38 annual basis, and publicize aggregate reports based on the data obtained pursuant  
39 to their authority under this section, provided that the aggregate reports are  
40 reasonably calculated to prevent the association of any data with any individual  
41 business or person.

42 (l) The department shall maintain pay data reports for not less than 10 years.

43 (m) For purposes of this section, both of the following definitions shall apply:

1 (1) “Employee” means an individual on an employer’s payroll, including a part-  
2 time individual, whom the employer is required to include in an EEO-1 Report and  
3 for whom the employer is required to withhold federal social security taxes from  
4 that individual’s wages.

5 (2) “Establishment” means an economic unit producing goods or services.

6 (n) Upon request by the department, no later than 60 days from the date of the  
7 request, the Employment Development Department shall provide the department  
8 with the names and addresses of all businesses with 100 or more employees in  
9 order to ensure compliance with this section.

10 **Comment.** Section 12999 is amended to reflect nonsubstantive recodification of the California  
11 Public Records Act. See *California Public Records Act Clean-Up*, 46 Cal. L. Revision Comm’n  
12 Reports 2017 (2019).

13 **Gov’t Code § 13073.6 (amended). Data containing personal information**

14 SEC. \_\_. Section 13073.6 of the Government Code is amended to read:

15 13073.6. Notwithstanding subdivision (g) of Section 1798.24 of the Civil Code,  
16 data collected, received, or prepared by the Demographic Research Unit for  
17 purposes specified in Section 13073.5 that contains personal information, as  
18 defined by subdivision (a) of Section 1798.3 of the Civil Code, shall be exempt  
19 from disclosure under the California Public Records Act ~~(Chapter 3.5~~  
20 ~~(commencing with Section 6250) of Division 7 (Division 10 (commencing with~~  
21 ~~Section 7920.000) of Title 1).~~

22 **Comment.** Section 13073.6 is amended to reflect nonsubstantive recodification of the  
23 California Public Records Act. See *California Public Records Act Clean-Up*, 46 Cal. L. Revision  
24 Comm’n Reports 2017 (2019).

25 **Gov’t Code § 14462 (amended). Records of audit, evaluation, investigation, or review**

26 SEC. \_\_. Section 14462 of the Government Code is amended to read:

27 14462. (a) The Inspector General may gain access to confidential records or  
28 property that are obtained in connection with any audit, evaluation, investigation,  
29 or review conducted pursuant to Section 14461 unless a law specifically refers to  
30 and precludes the Inspector General from accessing, examining, and reproducing  
31 any record or property pursuant to Section 14461. Information or documents  
32 obtained in connection with any audit, evaluation, investigation, or review  
33 conducted by the Inspector General are subject to any limitations on release of the  
34 information or documents as may apply to an employee or officer of the  
35 department or external entity subject to this chapter that provided the information  
36 or documents. Providing confidential information pursuant to this section,  
37 including, but not limited to, confidential information that is subject to a privilege,  
38 shall not constitute a waiver of that privilege.

39 (b) For purposes of this section, “confidential records or property” means  
40 records or property that may lawfully be kept confidential as a result of a statutory  
41 or common law privilege or any other law.



1 (c) The Independent Office of Audits and Investigations shall not destroy any  
2 papers or memoranda used to support a completed audit sooner than three years  
3 after the audit report is released to the public. All books, papers, records, and  
4 correspondence of the office pertaining to its work are public records subject to  
5 ~~Chapter 3.5 (commencing with Section 6250) of Division 7~~ Division 10  
6 (commencing with Section 7920.000) of Title 1 and shall be filed at any of the  
7 regularly maintained offices of the Inspector General, except that none of the  
8 following items or papers of which these items are a part shall be released to the  
9 public by the Inspector General or the employees of the Inspector General:

10 (1) Personal papers and correspondence of any person providing assistance to  
11 the Inspector General when that person has requested in writing that their papers  
12 and correspondence be kept private and confidential. Those papers and  
13 correspondence shall become public records if the written request is withdrawn, or  
14 upon the order of the Inspector General.

15 (2) Papers, correspondence, memoranda, or any substantive information  
16 pertaining to any audit not completed.

17 (3) Papers, correspondence, or memoranda pertaining to any audit that has been  
18 completed, which papers, correspondence, or memoranda are not used in support  
19 of any report resulting from the audit.

20 (4) Any survey of public employees that the Inspector General determines  
21 should be kept confidential to deter retaliation if the public employees respond to  
22 the survey.

23 (5) Any record of an investigation, including, but not limited to, all investigative  
24 files and work product, except that the Inspector General, whenever the Inspector  
25 General determines it necessary to serve the interests of the state, may issue a  
26 public report of an investigation that has substantiated an improper governmental  
27 activity, as defined in Section 8547.2, keeping confidential the identity of the  
28 employee or employees involved. The Inspector General may also release any  
29 findings or evidence supporting any findings resulting from an investigation  
30 conducted pursuant to this chapter whenever the Inspector General determines it  
31 necessary to serve the interests of the state.

32 **Comment.** Section 14462 is amended to reflect nonsubstantive recodification of the California  
33 Public Records Act. See *California Public Records Act Clean-Up*, 46 Cal. L. Revision Comm'n  
34 Reports 2017 (2019).

35 **Gov't Code § 54230.5 (amended). Disposal of land in violation of article**

36 SEC. \_\_. Section 54230.5 of the Government Code is amended to read:

37 54230.5. (a)(1) A local agency that disposes of land in violation of this article  
38 after receiving a notification from the Department of Housing and Community  
39 Development pursuant to subdivision (b) that the local agency is in violation of  
40 this article shall be liable for a penalty of 30 percent of the final sale price of the  
41 land sold in violation of this article for a first violation and 50 percent for any  
42 subsequent violation. An entity identified in Section 54222 or a person who would

1 have been eligible to apply for residency in any affordable housing developed or a  
2 housing organization as defined in Section 65589.5, or any beneficially interested  
3 person or entity may bring an action to enforce this section. A local agency shall  
4 have 60 days to cure or correct an alleged violation before an action may be  
5 brought to enforce this section, unless the local agency disposes of the land before  
6 curing or correcting the alleged violation, or the department deems the alleged  
7 violation not to be a violation in less than 60 days.

8 (2) A penalty assessed pursuant to this subdivision shall, except as otherwise  
9 provided, be deposited into a local housing trust fund. The local agency may elect  
10 to instead deposit the penalty moneys into the Building Homes and Jobs Trust  
11 Fund or the Housing Rehabilitation Loan Fund. Penalties shall not be paid out of  
12 funds already dedicated to affordable housing, including, but not limited to, Low  
13 and Moderate Income Housing Asset Funds, funds dedicated to housing for very  
14 low, low-, and moderate-income households, and federal HOME Investment  
15 Partnerships Program and Community Development Block Grant Program funds.  
16 The local agency shall commit and expend the penalty moneys deposited into the  
17 local housing trust fund within five years of deposit for the sole purpose of  
18 financing newly constructed housing units that are affordable to extremely low,  
19 very low, or low-income households.

20 (3) Five years after deposit of the penalty moneys into the local housing trust  
21 fund, if the funds have not been expended, the funds shall revert to the state and be  
22 deposited in the Building Homes and Jobs Trust Fund or the Housing  
23 Rehabilitation Loan Fund for the sole purpose of financing newly constructed  
24 housing units located in the same jurisdiction as the surplus land and that are  
25 affordable to extremely low, very low, or low-income households. Expenditure of  
26 any penalty moneys deposited into the Building Homes and Jobs Trust Fund or the  
27 Housing Rehabilitation Loan Fund pursuant to this subdivision shall be subject to  
28 appropriation by the Legislature.

29 (b)(1) Prior to agreeing to terms for the disposition of surplus land, a local  
30 agency shall provide to the Department of Housing and Community Development  
31 a description of the notices of availability sent, and negotiations conducted with  
32 any responding entities, in regard to the disposal of the parcel of surplus land and a  
33 copy of any restrictions to be recorded against the property pursuant to Section  
34 54233 or 54233.5, whichever is applicable, in a form prescribed by the  
35 Department of Housing and Community Development. A local agency may  
36 submit this information after it has sent notices of availability required by Section  
37 54222 and concluded negotiations with any responding agencies. A local agency  
38 shall not be liable for the penalty imposed by subdivision (a) if the Department of  
39 Housing and Community Development does not notify the agency that the agency  
40 is in violation of this article within 30 days of receiving the description.

41 (2) The Department of Housing and Community Development shall do all of the  
42 following:

1 (A) Make available educational resources and materials that inform each agency  
2 of its obligations under this article and that provide guidance on how to comply  
3 with its provisions.

4 (B) Review information submitted pursuant to paragraph (1).

5 (C) Submit written findings to the local agency within 30 days of receipt of the  
6 description required by paragraph (1) from the local agency if the proposed  
7 disposal of the land will violate this article.

8 (D) Review, adopt, amend, or repeal guidelines to establish uniform standards to  
9 implement this section. The guidelines adopted pursuant to this subdivision are not  
10 subject to Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of  
11 Title 2.

12 (E) Provide the local agency reasonable time, but not less than 60 days, to  
13 respond to the findings before taking any other action authorized by this section.

14 (3)(A) The local agency shall consider findings made by the Department of  
15 Housing and Community Development pursuant to subparagraph (B) of paragraph  
16 (2) and shall do one of the following:

17 (i) Correct any issues identified by the Department of Housing and Community  
18 Development.

19 (ii) Provide written findings explaining the reason its process for disposing of  
20 surplus land complies with this article and addressing the Department of Housing  
21 and Community Development's findings.

22 (B) If the local agency does not correct issues identified by the Department of  
23 Housing and Community Development, does not provide findings explaining the  
24 reason its process for disposing of surplus land complies with this article and  
25 addressing the Department of Housing and Community Development's findings,  
26 or if the Department of Housing and Community Development finds that the local  
27 agency's findings are deficient in addressing the issues identified by the  
28 Department of Housing and Community Development, the Department of Housing  
29 and Community Development shall notify the local agency, and may notify the  
30 Attorney General, that the local agency is in violation of this article.

31 (c) The Department of Housing and Community Development shall implement  
32 the changes in this section made by the act adding this subdivision commencing  
33 on January 1, 2021.

34 (d) Notwithstanding subdivision (c), this section shall not be construed to limit  
35 any other remedies authorized under law to enforce this article including public  
36 records act requests pursuant to ~~Chapter 3.5 (commencing with Section 6250) of~~  
37 ~~Division 7~~ Division 10 (commencing with Section 7920.000) of Title 1.

38 **Comment.** Section 54230.5 is amended to reflect nonsubstantive recodification of the  
39 California Public Records Act. See *California Public Records Act Clean-Up*, 46 Cal. L. Revision  
40 Comm'n Reports 2017 (2019).

1 **Gov't Code § 64511 (amended). Duties of Bay Area Housing Finance Authority and related**  
2 **entities**

3 SEC. \_\_. Section 64511 of the Government Code is amended to read:

4 64511. (a)(1) The executive board shall review and approve the regional  
5 expenditure plan required pursuant to paragraph (5) of subdivision (d) of Section  
6 64650 and projects authorized by this chapter before review, approval, and  
7 allocation by the authority.

8 (2)(A) The executive board and the authority board shall form an advisory  
9 committee composed of nine representatives with knowledge and experience in  
10 the areas of affordable housing finance and development, tenant protection, and  
11 housing preservation. The advisory committee shall assist in the development of  
12 funding guidelines and the overall implementation of the program.

13 (B) Consistent with the provisions of this chapter, the advisory committee shall  
14 provide consultation and make recommendations to the executive board and the  
15 authority board. The advisory committee will meet as necessary to fulfill their  
16 roles and responsibilities.

17 (b)(1) A member of the authority board may receive a per diem for each board  
18 meeting that the member attends. The authority board shall set the amount of that  
19 per diem for a member's attendance, but that amount shall not exceed one hundred  
20 dollars (\$100) per meeting. A member shall not receive a payment for more than  
21 two meetings in a calendar month.

22 (2) A member may waive a payment of per diem authorized by this subdivision.

23 (c)(1) Five years after the voters approve an initial ballot measure pursuant to  
24 Section 64521, the authority and the executive board shall review the  
25 implementation of the measure. The review shall include the following:

26 (A) An analysis of the expenditures to date.

27 (B) The number of affordable housing units produced and preserved at different  
28 household income levels.

29 (C) The tenant protection services provided, and the roles of the executive board  
30 and the authority.

31 (2) The executive board and the authority board may, upon mutual concurrence,  
32 as a part of the review described in this subdivision elect to transfer or delegate a  
33 responsibility authorized in this title to the executive board or the authority, as  
34 applicable, except for the provisions of Article 3 (commencing with Section  
35 64630) of Chapter 2 of Part 2.

36 (d)(1) Members of the authority board are subject to Article 2.4 (commencing  
37 with Section 53234) of Chapter 2 of Part 1 of Division 2 of Title 5.

38 (2) The authority shall be subject to the Ralph M. Brown Act (Chapter 9  
39 (commencing with Section 54950) of Part 1 of Division 2 of Title 5), the  
40 California Public Records Act (~~Chapter 3.5 (commencing with Section 6250) of~~  
41 ~~Division 7 (Division 10 (commencing with Section 7920.000) of Title 1), and the~~  
42 Political Reform Act of 1974 (Title 9 (commencing with Section 81000)).

1 (e) In addition to the requirements under subdivision (d), the authority shall  
2 engage in public participation processes, which shall include the following:

3 (1) Outreach efforts to encourage the active participation of a broad range of  
4 stakeholder groups in the planning process, including, but not limited to,  
5 affordable housing and homelessness advocates, nonprofit developers,  
6 neighborhood and community groups, environmental advocates, equity  
7 organizations, home builder representatives, and business organizations.

8 (2) Holding at least one public meeting regarding any relevant plan or proposals  
9 being considered by the authority. The authority shall hold any such meeting at a  
10 time and a location convenient for members of the public. The authority shall  
11 place each plan or proposal under consideration on a meeting agenda of the  
12 authority board for discussion at least 30 days before the authority board takes  
13 action.

14 (3) A process for enabling members of the public to provide a single request to  
15 receive authority notices, information, and updates.

16 **Comment.** Section 64511 is amended to reflect nonsubstantive recodification of the California  
17 Public Records Act. See *California Public Records Act Clean-Up*, 46 Cal. L. Revision Comm'n  
18 Reports 2017 (2019).

19 **Gov't Code § 64626 (amended). Challenge to imposition of commercial linkage fee**

20 SEC. \_\_. Section 64626 of the Government Code is amended to read:

21 64626. (a) In any judicial action or proceeding to validate, attack, review, set  
22 aside, void, or annul any resolution providing for the establishment, increase, or  
23 imposition of a commercial linkage fee pursuant to this article in which there is an  
24 issue whether the fee is a special tax within the meaning of Section 50076, the  
25 executive board and the authority shall have the burden of producing evidence to  
26 establish that the commercial linkage fee does not exceed the reasonable cost of  
27 providing the housing necessitated by the commercial development project for  
28 which the commercial linkage fee is imposed, as determined in the regional nexus  
29 study pursuant to subdivision (b) of Section 64621.

30 (b) A party may only initiate an action or proceeding pursuant to subdivision (a)  
31 if both of the following requirements are met:

32 (1) The commercial linkage fee was directly imposed on the party as a condition  
33 of project approval, as provided in Section 64624.

34 (2) At least 30 days before initiating the action or proceeding, the party requests  
35 that the executive board and the authority provide a copy of the documents,  
36 including, but not limited to, the regional nexus study prepared pursuant to  
37 subdivision (b) of Section 64621, that establish that the commercial linkage fee  
38 does not exceed the reasonable cost of providing the housing necessitated by the  
39 commercial development project for which the commercial linkage fee is imposed.  
40 In accordance with ~~subdivision (b) of Section 6253~~ subdivision (a) of Section  
41 7922.530, the executive board and the authority may charge a fee for copying the  
42 documents requested pursuant to this paragraph.

1 (c) For purposes of this section, costs shall be determined in accordance with  
2 fundamental fairness and consistency of method as to the allocation of costs,  
3 expenses, revenues, and other items included in the calculation.

4 **Comment.** Section 64626 is amended to reflect nonsubstantive recodification of the California  
5 Public Records Act. See *California Public Records Act Clean-Up*, 46 Cal. L. Revision Comm'n  
6 Reports 2017 (2019).

7 **Health & Safety Code § 1324.22 (amended). Quality assurance fee**

8 SEC. \_\_. Section 1324.22 of the Health and Safety Code is amended to read:

9 1324.22. (a) The quality assurance fee, as calculated pursuant to Section  
10 1324.21, shall be paid by the provider to the department for deposit in the State  
11 Treasury on a monthly basis on or before the last day of the month following the  
12 month for which the fee is imposed, except as provided in subdivision (e) of  
13 Section 1324.21.

14 (b) On or before the last day of each calendar month or quarter, as determined  
15 by the department, each skilled nursing facility shall file a report with the  
16 department, in a prescribed form, showing the facility's total resident days for the  
17 preceding quarter and payments made. If it is determined that a lesser amount was  
18 paid to the department, the facility shall pay the amount owed in the preceding  
19 quarter to the department with the report. Any amount determined to have been  
20 paid in excess to the department during the previous quarter shall be credited to  
21 the amount owed in the following quarter.

22 (c) On or before August 31 of each year, each skilled nursing facility subject to  
23 an assessment pursuant to Section 1324.21 shall report to the department, in a  
24 prescribed form, the facility's total resident days and total payments made for the  
25 preceding state fiscal year. If it is determined that a lesser amount was paid to the  
26 department during the previous year, the facility shall pay the amount owed to the  
27 department with the report.

28 (d)(1) A newly licensed skilled nursing facility shall complete all requirements  
29 of subdivision (a) for any portion of the year in which it commences operations  
30 and of subdivision (b) for any portion of the calendar month or quarter in which it  
31 commences operations.

32 (2) For purposes of this subdivision, "newly licensed skilled nursing facility"  
33 means a location that has not been previously licensed as a skilled nursing facility.

34 (e)(1) If a skilled nursing facility fails to pay all or part of the quality assurance  
35 fee within 60 days of the date that payment is due, the department shall assess  
36 interest at the rate of 7 percent per annum on any unpaid amount due, beginning  
37 on the 61st calendar day from the date the payment is due, until the unpaid amount  
38 due, plus any interest, is paid in full.

39 (2)(A) When a skilled nursing facility fails to pay all or part of the quality  
40 assurance fee within 60 days of the date that payment is due, the department may  
41 deduct any unpaid assessment, including any interest and penalties owed, from  
42 any Medi-Cal payments to the facility until the full amount is recovered. Any

1 deduction shall be made only after written notice to the facility and may be taken  
2 over a period of time taking into account the financial condition of the facility.

3 (B) Notwithstanding any other law, for the rate period from August 1, 2020, to  
4 December 31, 2020, and every subsequent calendar year thereafter, the department  
5 may deduct any unpaid assessments, including any interest and penalties owed,  
6 attributable to a debtor facility from any Medi-Cal payments made to a related  
7 facility or entity by common ownership or control to the debtor facility within the  
8 meaning of Section 413.17(b) of Title 42 of the Code of Federal Regulations. If  
9 the department deducts any unpaid assessments from the Medi-Cal payments to a  
10 related facility or entity, the department shall provide prior written notice to both  
11 the debtor facility and the related facility or entity, and, in taking into account the  
12 financial condition of the related facility, may apply that deduction over a period  
13 of time.

14 (3) In addition to the requirements specified in this subdivision and subdivision  
15 (h), any unpaid quality assurance fee, including any interest and penalties owed,  
16 assessed by this article shall constitute a debt due to the state and may be collected  
17 pursuant to Section 12419.5 of the Government Code.

18 (f)(1) Notwithstanding any other law, the department shall continue to assess  
19 and collect the quality assurance fee, including any previously unpaid quality  
20 assurance fee, and any interest or penalties owed, from each skilled nursing  
21 facility, irrespective of any changes in ownership or ownership interest or control  
22 or the transfer of any portion of the assets of the facility to another owner.

23 (2) Notwithstanding any other law, in the event of a merger, acquisition, or  
24 change of ownership involving a skilled nursing facility that has outstanding  
25 quality assurance fee payment obligations pursuant to this article, including any  
26 interest and penalty amounts owed, the successor skilled nursing facility shall be  
27 responsible for paying to the department the full amount of outstanding quality  
28 assurance fee payments, including any interest and penalties, attributable to the  
29 skilled nursing facility for which it was assessed, upon the effective date of that  
30 transaction. An entity considering a merger, acquisition, or similar transaction  
31 involving a skilled nursing facility may submit a request to the department  
32 pursuant to ~~Chapter 3.5 (commencing with Section 6250) of Division 7~~ Division  
33 10 (commencing with Section 7920.000) of Title 1 of the Government Code to  
34 ascertain the outstanding quality assurance fee payment obligations of the skilled  
35 nursing facility pursuant to this article as of the date of the department's response  
36 to that request.

37 (g) During the time period in which a temporary manager is appointed to a  
38 facility pursuant to Section 1325.5 or during which a receiver is appointed by a  
39 court pursuant to Section 1327, the State Department of Public Health shall not be  
40 responsible for any unpaid quality assurance fee assessed before the time period of  
41 the temporary manager or receiver. This subdivision shall not affect the  
42 responsibility of the facility to make all payments of unpaid or current quality

1 assurance fees, including any interest and penalty amounts, as required by this  
2 section and Section 1324.21.

3 (h) If all or any part of the quality assurance fee remains unpaid, the department  
4 may take any or all of the following actions against the debtor facility, in addition  
5 to assessing interest pursuant to paragraph (1) of subdivision (e):

6 (1) Assess a penalty of up to 50 percent of the total unpaid fee amounts, and any  
7 interest assessed pursuant to paragraph (1) of subdivision (e) in each applicable  
8 rate or calendar year.

9 (2) Recommend to the State Department of Public Health that license or Medi-  
10 Cal certification renewal or approval of a change of ownership application be  
11 delayed until the full amount of the quality assurance fee, penalties, and interest is  
12 recovered.

13 (3)(A) In the event of a merger, acquisition, or change of ownership involving a  
14 skilled nursing facility as described in paragraph (2) of subdivision (f), the  
15 department may delay approval of a new Medi-Cal provider agreement or a  
16 transfer of an existing Medi-Cal provider agreement to a successor skilled nursing  
17 facility until the full amount of the quality assurance fees, penalties, and interest  
18 owed by the successor or previous facility owner is recovered in full, or until the  
19 successor skilled nursing facility has entered into an alternative payment  
20 agreement with the department for the outstanding quality assurance fees,  
21 penalties, and interest owed that takes into account the financial situation of the  
22 facility and the potential impact on delivery of services to Medi-Cal beneficiaries.

23 (B) In addition to subparagraph (A), as a condition of approving a new Medi-Cal  
24 provider agreement or a transfer of an existing Medi-Cal provider agreement to a  
25 successor skilled nursing facility, the department may require either or both of the  
26 following:

27 (i) The successor skilled nursing facility to enter into an agreement with the  
28 department to be financially responsible to the department for the outstanding  
29 quality assurance fees, penalties, and interest owed by the previous facility owner.

30 (ii) The successor facility owner to enter into an agreement with the department  
31 to pay outstanding quality assurance fees, penalties, and interest owed by the  
32 successor facility owner on an alternative payment schedule developed by the  
33 department that takes into account the financial situation of the facility and the  
34 potential impact on delivery of services to Medi-Cal beneficiaries.

35 (i) In accordance with the Medicaid State Plan, the payment of the quality  
36 assurance fee shall be considered as an allowable cost for Medi-Cal  
37 reimbursement purposes.

38 (j) The assessment process pursuant to this section shall become operative not  
39 later than 60 days from receipt of federal approval of the quality assurance fee,  
40 unless extended by the department. The department may assess fees and collect  
41 payment in accordance with subdivision (e) of Section 1324.21 to provide  
42 retroactive payments for any rate increase authorized under this article.



1 (k) The amendments made to subdivision (d) and the addition of subdivision (f)  
2 by the act that added this subdivision are not substantive changes, but are merely  
3 clarifying existing law.

4 (l)(1) Notwithstanding any other law, for the 2011–12 rate year, the department  
5 may waive the actions provided under subdivision (h), or may allow a freestanding  
6 pediatric subacute care facility to delay payments for up to six months, to ensure  
7 the facility has the financial stability required to pay the fee.

8 (2) For the purposes of this article, “freestanding pediatric subacute care  
9 facility” has the same meaning as defined in Section 51215.8 of Title 22 of the  
10 California Code of Regulations.

11 (m)(1) Subject to paragraph (2), the department may waive a portion or all of  
12 either the interest or penalties, or both, assessed under this article with respect to a  
13 petitioning skilled nursing facility if the department determines, in its sole  
14 discretion, that the facility has demonstrated that imposing the full amount of fees  
15 under this article has a high likelihood of creating an undue financial hardship for  
16 the facility or creates a significant financial difficulty in providing services to  
17 Medi-Cal beneficiaries. A waiver pursuant to this subdivision may include, but  
18 need not be limited to, interest or penalties, or both, that accrue or are assessed  
19 with respect to a facility during the time period for which a change of ownership is  
20 pending, or for which a change of ownership is being contemplated, as determined  
21 by the department in its sole discretion.

22 (2) The department’s waiver of some or all of the interest or penalties shall be  
23 conditioned on the skilled nursing facility’s agreement to pay outstanding fee  
24 amounts on an alternative schedule developed by the department that takes into  
25 account the financial situation of the facility and the potential impact on delivery  
26 of services to Medi-Cal beneficiaries.

27 (3) The department shall post on its internet website a list of all skilled nursing  
28 facilities that received a waiver for payment of interest or penalties, including the  
29 amount of interest or penalty that was waived.

30 **Comment.** Section 1324.22 is amended to reflect nonsubstantive recodification of the  
31 California Public Records Act. See *California Public Records Act Clean-Up*, 46 Cal. L. Revision  
32 Comm’n Reports 2017 (2019).

33 **Health & Safety Code § 1339.88 (amended). Hospital diversity commission**

34 SEC. \_\_. Section 1339.88 of the Health and Safety Code is amended to read:

35 1339.88. (a) The office shall convene a hospital diversity commission comprised  
36 of the public and health care, diversity, and procurement stakeholders, as set forth  
37 in this section.

38 (b) The hospital diversity commission shall be comprised of the following  
39 commissioners who are appointed by the director:

40 (1) One commissioner who is a member of the public and shall serve as the chair  
41 of the commission.

1 (2) Two commissioners who are representatives of the hospital industry who, at  
2 the time of appointment, serve as practitioners in the field of supplier diversity.

3 (3) Two commissioners who are representatives of a minority business  
4 enterprise.

5 (4) Two commissioners who are representatives of a women business enterprise.

6 (5) One commissioner who is a representative of a disabled veteran business  
7 enterprise.

8 (6) One commissioner who is a representative of an LGBT business enterprise.

9 (7) Two commissioners with expertise in the field of supplier diversity.

10 (c)(1) The initial terms of the commissioners shall be established to create  
11 staggered terms of office by drawing lots at the first meeting of the commission.  
12 Six of the commissioners shall serve a two-year term, and five of the  
13 commissioners shall serve a one-year term.

14 (2) After an initial term of office is complete, a commissioner shall serve a two-  
15 year term.

16 (3) The director shall fill a vacancy in the term of a commissioner.

17 (d) The hospital diversity commission shall do all of the following:

18 (1) Advise and provide recommendations to the director and the hospital  
19 industry on the best methods to increase procurement with diverse suppliers within  
20 the hospital industry.

21 (2) Meet quarterly or as deemed necessary by the director.

22 (3) Promote and provide outreach to hospitals that are actively engaged in  
23 supplier diversity issues.

24 (e) On or before July 1, 2020, the hospital diversity commission shall hold an  
25 initial meeting with all commissioners.

26 (f) The commissioners shall not receive compensation for their services, but the  
27 office may reimburse the commissioners for their actual and necessary expenses  
28 incurred in connection with attending a meeting of the commission.

29 (g) The office shall review and revise, if necessary, the office's conflicts of  
30 interest regulations to ensure that each commissioner is required to disclose  
31 conflicts of interest to the public.

32 (h) The hospital diversity commission shall comply with the Bagley-Keene  
33 Open Meeting Act (Article 9 (commencing with Section 11120) of Chapter 1 of  
34 Part 1 of Division 3 of Title 2 of the Government Code) and the California Public  
35 Records Act (~~Chapter 3.5 (commencing with Section 6250) of Division 7~~  
36 (Division 10 (commencing with Section 7920.000)) of Title 1 of the Government  
37 Code).

38 **Comment.** Section 1339.88 is amended to reflect nonsubstantive recodification of the  
39 California Public Records Act. See *California Public Records Act Clean-Up*, 46 Cal. L. Revision  
40 Comm'n Reports 2017 (2019).

1 **Health & Safety Code § 25215.51 (amended). LABRIC Program**

2 SEC. \_\_. Section 25215.51 of the Health and Safety Code is amended to read:

3 25215.51. (a) The department shall establish a Lead-Acid Battery Recycling  
4 Facility Investigation and Cleanup Program, or LABRIC Program, which shall be  
5 responsible for identifying areas of the state that are eligible for expenditure of  
6 moneys from the Lead-Acid Battery Cleanup Fund pursuant to subparagraphs (A)  
7 and (B) of paragraph (1) of subdivision (b) of Section 25215.5.

8 (b) The LABRIC Program shall provide public notice of the initiation of the  
9 investigation or site evaluation of any area reasonably suspected to have been  
10 contaminated by the operation of a lead-acid battery recycling facility. The public  
11 notice shall provide a summary of the information relied on by the department,  
12 including, but not limited to, copies of any information or documents currently in  
13 the department's possession that indicate that the facility might not be a lead-acid  
14 battery recycling facility, if subject to disclosure pursuant to the California Public  
15 Records Act (~~Chapter 3.5 (commencing with Section 6250) of Division 7~~  
16 (Division 10 (commencing with Section 7920.000)) of Title 1 of the Government  
17 Code). The department shall accept comments or information that the public  
18 submits within 90 days after issuance of the public notice required by this  
19 subdivision and, before the department completes its investigation pursuant to  
20 subdivision (c), shall review and provide written responses to any comments or  
21 information submitted.

22 (c)(1) Upon completion of an investigation or site evaluation conducted pursuant  
23 to subdivision (b), the department, consistent with procedures included within the  
24 Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of  
25 Part 1 of Division 3 of Title 2 of the Government Code), shall provide notice and  
26 an opportunity for comment on the proposed designation of a site as determined  
27 with reasonable certainty to have been contaminated by releases from the  
28 operation of a lead-acid battery recycling facility. Reasonable certainty shall be  
29 established based on all reasonably available information, including information  
30 provided by the public, to conclude that the contamination in a specific area was  
31 from the lead-acid battery recycling facility.

32 (2) Any proposed designation, as described in paragraph (1), shall include an  
33 explanation of the basis for the department's designation, a summary of the  
34 evidence relied on by the department in reaching the proposed designation,  
35 including the assumptions and methodologies the department used to attribute any  
36 contamination to the lead acid battery facility, and including information  
37 indicating that the facility may not be a lead-acid battery recycling facility, and  
38 copies of any information or documents relied on during the investigation and  
39 evaluation of the site, if subject to disclosure pursuant to the California Public  
40 Records Act.

41 (3) The department shall accept comments from the public consistent with the  
42 procedures included within the Administrative Procedure Act. The department  
43 shall evaluate, investigate, if appropriate, and respond to any reliable information

1 provided by the public indicating that the area was not contaminated by the  
2 operation of a lead-acid battery recycling facility, or that the facility in question  
3 was not involved in the recycling of lead-acid batteries.

4 (4) A site designation shall be considered a final action, subject to judicial  
5 review in the same manner as provided pursuant to the Administrative Procedure  
6 Act.

7 (d)(1) If, within two years of a public notice required by subdivision (b), the  
8 department is unable to designate a site as determined with reasonable certainty to  
9 have been contaminated by releases from the operation of a lead-acid battery  
10 recycling facility, the public notice shall be deemed to have been withdrawn and  
11 expenditure pursuant to subparagraph (A) of paragraph (1) of subdivision (b) of  
12 Section 25215.5 for purposes of further investigation or evaluation for the site  
13 shall no longer be authorized, except as provided in paragraph (3).

14 (2) No less than 30 days before the deadline established pursuant to paragraph  
15 (1), the department may extend the deadline for the completion of an investigation  
16 initiated pursuant to subdivision (b), with good cause shown and adequate public  
17 notice of the basis for that extension, by up to three months, and may extend the  
18 deadline additional times in increments of up to three months, not to exceed one  
19 year after the deadline established pursuant to paragraph (1) in total.

20 (3) The department may, within its discretion, issue a new public notice pursuant  
21 to subdivision (b) for a site if the department determines that new evidence  
22 warrants continued or renewed investigation or evaluation of the site.

23 (e) Information regarding the department's progress in implementing this  
24 section shall be included in the report required by subdivision (c) of Section  
25 25215.5.

26 **Comment.** Section 25215.51 is amended to reflect nonsubstantive recodification of the  
27 California Public Records Act. See *California Public Records Act Clean-Up*, 46 Cal. L. Revision  
28 Comm'n Reports 2017 (2019).

29 **Health & Safety Code § 50220.6 (amended). Data for Homeless Management Information**  
30 **System**

31 SEC. \_\_. Section 50220.6 of the Health and Safety Code is amended to read:

32 50220.6. (a) Notwithstanding any law, a recipient that enters into an agreement  
33 as set forth in paragraph (10) of subdivision (a) of Section 50219 and paragraph  
34 (7) of subdivision (b) of Section 50220.5 shall provide data elements, including,  
35 but not limited to, health information, in a manner consistent with federal law, to  
36 the statewide Homeless Management Information System when the system  
37 becomes available.

38 (b)(1) The council shall specify the form and substance of the required data  
39 elements.

40 (2) The council may, as required by operational necessity, amend or modify data  
41 elements, disclosure formats, or disclosure frequency.

1 (c) Any health information provided to, or maintained within, the statewide  
2 Homeless Management Information System shall not be subject to public  
3 inspection or disclosure under the California Public Records Act (~~Chapter 3.5~~  
4 ~~(commencing with Section 6250)~~ of Division 7 (Division 10 (commencing with  
5 Section 7920.000) of Title 1 of the Government Code).

6 (d) For purposes of this paragraph, “health information” means “protected health  
7 information,” as defined in Part 160.103 of Title 45 of the Code of Federal  
8 Regulations, and “medical information,” as defined in subdivision (j) of Section  
9 56.05 of the Civil Code.

10 **Comment.** Section 50220.6 is amended to reflect nonsubstantive recodification of the  
11 California Public Records Act. See *California Public Records Act Clean-Up*, 46 Cal. L. Revision  
12 Comm’n Reports 2017 (2019).

13 **Health & Safety Code § 50222 (amended). Data collection and reporting**

14 SEC. \_\_. Section 50222 of the Health and Safety Code is amended to read:

15 50222. (a) Beginning in 2021, in addition to the data required on the report  
16 under Section 50221, applicants shall provide the following information for both  
17 rounds of program allocations through a data collection, reporting, performance  
18 monitoring, and accountability framework, as established by the council:

19 (1) Data collection shall include, but not be limited to, information regarding  
20 individuals and families served, including demographic information, information  
21 regarding partnerships among entities or lack thereof, and participant and regional  
22 outcomes.

23 (2) The performance monitoring and accountability framework shall include  
24 clear metrics, which may include, but are not limited to, the following:

25 (A) The number of individual exits to permanent housing, as defined by the  
26 United States Department of Housing and Urban Development, from unsheltered  
27 environments and interim housing resulting from this funding.

28 (B) Racial equity, as defined by the council in consultation with representatives  
29 of state and local agencies, service providers, the Legislature, and other  
30 stakeholders.

31 (C) Any other metrics deemed appropriate by the council and developed in  
32 coordination with representatives of state and local agencies, advocates, service  
33 providers, and the Legislature.

34 (3) Data collection and reporting requirements shall support the efficient and  
35 effective administration of the program and enable the monitoring of jurisdiction  
36 performance and program outcomes.

37 (b) Based on the data collection, reporting, performance monitoring, and  
38 accountability framework established by the council pursuant to subdivision (a),  
39 all recipients of a program allocation, no later than January 1 of the year following  
40 receipt of funds, and annually on that date thereafter until all funds have been  
41 expended, shall submit a report to the council in a format provided by the council.

1 (c) No later than January 1, 2027, each recipient that receives a round 2 program  
2 allocation shall submit to the council a final report in a format provided by the  
3 council, as well as detailed uses of all program funds.

4 (d) Data collection and data sharing pursuant to this chapter shall be conducted  
5 and maintained in accordance with all applicable state and federal privacy and  
6 confidentiality laws and regulations.

7 (e) The client information and records of services provided pursuant to this  
8 chapter shall be subject to the requirements of Section 10850 of the Welfare and  
9 Institutions Code and shall be exempt from inspection under the California Public  
10 Records Act (~~Chapter 3.5 (commencing with Section 6250) of Division 7~~  
11 (Division 10 (commencing with Section 7920.000)) of Part 1 of the Government  
12 Code).

13 (f) Notwithstanding any other law, data collected through the administration and  
14 operation of this chapter shall be captured based on the Homeless Management  
15 Information System data standards set forth by the United States Department of  
16 Housing and Urban Development and by any other means specified by the  
17 council, and may be shared with other programs to maximize the efficient and  
18 effective provision of public benefits and services, and to evaluate this chapter or  
19 its impact on other public benefit and services programs.

20 **Comment.** Section 50222 is amended to reflect nonsubstantive recodification of the California  
21 Public Records Act. See *California Public Records Act Clean-Up*, 46 Cal. L. Revision Comm'n  
22 Reports 2017 (2019).

23 **Health & Safety Code § 111792.6 (amended). Disclosure requirements for cosmetic**  
24 **products**

25 SEC. \_\_. Section 111792.6 of the Health and Safety Code is amended to read:

26 111792.6. (a) For purposes of this section, the following definitions apply:

27 (1) "Cosmetic product" means an article for retail sale or professional use  
28 intended to be rubbed, poured, sprinkled, or sprayed on, introduced into, or  
29 otherwise applied to the human body for cleansing, beautifying, promoting  
30 attractiveness, or altering the appearance.

31 (2) "Designated list" means any of the following, including subsequent revisions  
32 when adopted by the authoritative body:

33 (A) Chemicals known to the State of California to cause cancer or reproductive  
34 toxicity that are listed pursuant to the Safe Drinking Water and Toxic Enforcement  
35 Act of 1986 (Chapter 6.6 (commencing with Section 25249.5 of Division 20)).

36 (B) Chemicals classified by the European Union as carcinogens, mutagens, or  
37 reproductive toxicants pursuant to Category 1A or 1B in Annex VI to Regulation  
38 (EC) 1272/2008.

39 (C) Chemicals included in the European Union Candidate List of Substances of  
40 Very High Concern in accordance with Article 59 of Regulation (EC) 1907/2006  
41 on the basis of Article 57(f) for endocrine disrupting properties.

1 (D) Chemicals for which a reference dose or reference concentration has been  
2 developed based on neurotoxicity in the federal Environmental Protection  
3 Agency's Integrated Risk Information System.

4 (E) Chemicals that are identified as carcinogenic to humans, likely to be  
5 carcinogenic to humans, or as Group A, B1, or B2 carcinogens in the federal  
6 Environmental Protection Agency's Integrated Risk Information System.

7 (F) Chemicals included in the European Chemicals Agency Candidate List of  
8 Substances of Very High Concern in accordance with Article 59 of Regulation  
9 (EC) 1907/2006 on the basis of Article 57(d), Article 57(e), or Article 57(f) of  
10 Regulation (EC) 1907/2006 for persistent, bioaccumulative and toxic, or very  
11 persistent and very bioaccumulative, properties.

12 (G) Chemicals that are identified as persistent, bioaccumulative, and inherently  
13 toxic to the environment by the Canadian Environmental Protection Act  
14 Environmental Registry Domestic Substances List.

15 (H) Chemicals classified by the European Union in Annex VI to Regulation  
16 (EC) 1272/2008 as respiratory sensitizer category 1.

17 (I) Group 1, 2A, or 2B carcinogens identified by the International Agency for  
18 Research on Cancer.

19 (J) Neurotoxicants that are identified in the federal Agency for Toxic Substances  
20 and Disease Registry's Toxic Substances Portal, Health Effects of Toxic  
21 Substances and Carcinogens, Nervous System.

22 (K) Persistent bioaccumulative and toxic priority chemicals that are identified by  
23 the federal Environmental Protection Agency National Waste Minimization  
24 Program.

25 (L) Reproductive or developmental toxicants identified in Monographs on the  
26 Potential Human Reproductive and Developmental Effects published by the  
27 federal National Toxicology Program, Office of Health Assessment and  
28 Translation.

29 (M) Chemicals identified by the federal Environmental Protection Agency's  
30 Toxics Release Inventory as Persistent, Bioaccumulative and Toxic Chemicals that  
31 are subject to reporting under Section 313 of the Emergency Planning and  
32 Community Right-to-Know Act of 1986 (42 U.S.C. Sec. 11001, et seq.).

33 (N) The Washington Department of Ecology's Persistent, Bioaccumulative,  
34 Toxic (PBT) Chemicals identified in Chapter 173-333 of Title 173 of the  
35 Washington Administrative Code.

36 (O) Chemicals that are identified as known to be, or reasonably anticipated to  
37 be, human carcinogens by the 13th Report on Carcinogens prepared by the federal  
38 National Toxicology Program.

39 (P) Chemicals for which notification levels, as defined in Section 116455, have  
40 been established by the State Department of Public Health or the State Water  
41 Resources Control Board.

1 (Q) Chemicals for which primary maximum contaminant levels have been  
2 established and adopted under Section 64431 or 64444 of Title 22 of the  
3 California Code of Regulations.

4 (R) Chemicals identified as toxic air contaminants under Section 93000 or  
5 93001 of Title 17 of the California Code of Regulations.

6 (S) Chemicals that are identified as priority pollutants in the California water  
7 quality control plans pursuant to subdivision (c) of Section 303 of the federal  
8 Clean Water Act (33 U.S.C. Sec. 1341) and in Section 131.38 of Title 40 of the  
9 Code of Federal Regulations, or identified as pollutants by the state or the federal  
10 Environmental Protection Agency for one or more water bodies in the state under  
11 subdivision (d) of Section 303 of the federal Clean Water Act (33 U.S.C. Sec.  
12 1341) and Section 130.7 of Title 40 of the Code of Federal Regulations.

13 (T) Chemicals that are identified with noncancer endpoints and listed with an  
14 inhalation or oral reference exposure level by the Office of Environmental Health  
15 Hazard Assessment pursuant to paragraph (2) of subdivision (b) of Section 44360.

16 (U) Chemicals identified as priority chemicals by the California Environmental  
17 Contaminant Biomonitoring Program pursuant to Section 105449.

18 (V) Chemicals that are identified on Part A of the List of Chemicals for Priority  
19 Action prepared by the Oslo and Paris Conventions for the Protection of the  
20 Marine Environment of the North-East Atlantic.

21 (3) “Flavor ingredient” means any intentionally added substance or complex  
22 mixture of aroma chemicals, flavor chemicals, natural essential oils, and other  
23 functional ingredient or ingredients for which the purpose is to impart a flavor or  
24 taste, or to counteract a flavor or taste.

25 (4) “Fragrance ingredient” means any intentionally added substance or complex  
26 mixture of aroma chemicals, natural essential oils, and other functional ingredient  
27 or ingredients for which the purpose is to impart an odor or scent, or to counteract  
28 an odor.

29 (5) “Manufacturer” means any entity whose name appears on the label of a  
30 cosmetic product pursuant to the requirements of Section 701.12 of Title 21 of the  
31 Code of Federal Regulations.

32 (6) “Professional cosmetic” has the same meaning as provided in paragraph (3)  
33 of subdivision (b) of Section 110371.

34 (b)(1) Commencing January 1, 2022, a manufacturer of a cosmetic product sold  
35 in the state shall disclose all of the following information to the Division of  
36 Environmental and Occupational Disease Control within the State Department of  
37 Public Health:

38 (A) A list of each fragrance ingredient or flavor ingredient that is included on a  
39 designated list, as defined in paragraph (2) of subdivision (a), and present in the  
40 cosmetic product. This section does not require a manufacturer of a cosmetic  
41 product to disclose the presence of any fragrance ingredient or flavor ingredient  
42 that is not included on a designated list.



1 (B) A list of each fragrance allergen included in Annex III of the EU Cosmetics  
2 Regulation No. 1223/2009, as required to be disclosed pursuant to the EU  
3 Detergents Regulation No. 21 648/2004, and subsequent updates to those  
4 regulations, that is present in a rinse-off cosmetic product at a concentration at or  
5 above 0.01 percent (100 parts per million) or in a leave-on cosmetic product at a  
6 concentration at or above 0.001 percent (10 parts per million). Those ingredients  
7 shall appear on the database in a unique manner that distinguishes those  
8 ingredients from other reportable ingredients and indicates that they are hazardous  
9 only to individuals who suffer from fragrance allergies.

10 (C) Whether the cosmetic product is intended for professional use or retail  
11 cosmetic use.

12 (D) The Chemical Abstracts Service (CAS) number for each ingredient or  
13 allergen that requires disclosure pursuant to subparagraph (A) or (B).

14 (E) The corresponding Universal Product Code (UPC) for the cosmetic product  
15 described in subparagraph (A).

16 (2)(A) To protect trade secrets, this section does not require a manufacturer to  
17 disclose the weight or amount of an ingredient that requires disclosure pursuant to  
18 subparagraph (A) or (B) of paragraph (1) or to disclose the manner in which a  
19 cosmetic product or intentionally added fragrance ingredient or flavor ingredient is  
20 formulated. A manufacturer may protect as a trade secret, and is not required to  
21 disclose, any ingredient or combination of ingredients that is not on a designated  
22 list or required to be disclosed pursuant to subparagraph (A) or (B) of paragraph  
23 (1). A fragrance ingredient or flavor ingredient that is included in a designated list,  
24 or a fragrance allergen that requires disclosure pursuant to subparagraph (B) of  
25 paragraph (1), does not constitute a trade secret.

26 (B) Pursuant to ~~subdivision (k) of Section 6254~~ Section 7927.705 of the  
27 Government Code, a fragrance ingredient or flavor ingredient that constitutes a  
28 trade secret is not subject to disclosure under the California Public Records Act  
29 (~~Chapter 3.5 (commencing with Section 6250) of Division 7 (Division 10~~  
30 (commencing with Section 7920.000) of Title 1 of the Government Code).

31 (3)(A) A manufacturer that is required to disclose a fragrance ingredient or  
32 flavor ingredient pursuant to paragraph (1) due to a change in a designated list  
33 shall disclose the ingredient no later than six months after the revised list is  
34 adopted by the authoritative body, or six months after the revised list becomes  
35 effective, whichever is later.

36 (B) The State Department of Public Health shall create a voluntary electronic  
37 mailing list for the department to provide updates on the inclusion or deletion of  
38 fragrance allergens, fragrance ingredients, and flavor ingredients on the designated  
39 lists.

40 (c)(1) Commencing January 1, 2022, the Division of Environmental and  
41 Occupational Disease Control shall post on the database created pursuant to  
42 Section 111792, in an easily readable format, all of the following information

1 related to a cosmetic product described in, and disclosed pursuant to, subparagraph  
2 (A) of paragraph (1) of subdivision (b):

3 (A) A list of all fragrance ingredients and flavor ingredients that are included on  
4 a designated list and all fragrance allergens required to be disclosed pursuant to  
5 subparagraph (B) of paragraph (1) of subdivision (b).

6 (B) The health hazards associated with each fragrance ingredient or flavor  
7 ingredient.

8 (2) The division shall identify whether an ingredient is a fragrance ingredient or  
9 a flavor ingredient.

10 **Comment.** Section 111792.6 is amended to reflect nonsubstantive recodification of the  
11 California Public Records Act. See *California Public Records Act Clean-Up*, 46 Cal. L. Revision  
12 Comm'n Reports 2017 (2019).

13 **Health & Safety Code § 116456 (amended). Determination of notification level or response**  
14 **level**

15 SEC. \_\_. Section 116456 of the Health and Safety Code is amended to read:

16 116456. (a) When establishing or revising a notification level or response level,  
17 the state board shall do all of the following:

18 (1) Electronically post on its internet website and distribute through email a  
19 notice informing interested persons that the state board has initiated the  
20 development or revision of a notification level or response level.

21 (2) Electronically post on its internet website and distribute through email a  
22 notice that a proposed notification level or response level is available. The notice  
23 shall include an electronic link to an internet webpage where the proposed level  
24 can be viewed electronically along with the complete study or studies or an  
25 electronic link to the complete study or studies, and the notification level  
26 recommendations document provided to the state board by the Office of  
27 Environmental Health Hazard Assessment, if applicable, that were used to  
28 establish the level. The state board shall not make available or provide an  
29 electronic link to a study that is not subject to disclosure under the California  
30 Public Records Act (~~Chapter 3.5 (commencing with Section 6250) of Division 7~~  
31 (Division 10 (commencing with Section 7920.000) of Title 1 of the Government  
32 Code)). The notice shall indicate whether the study or studies were peer reviewed  
33 and whether only one study was used. Notice and document availability shall  
34 occur at least 30 days before the meeting required pursuant to paragraph (3).

35 (3) Before a proposed notification level or response level is finalized, include, as  
36 an informational item, the proposed notification level or response level at a  
37 regularly noticed meeting of the state board.

38 (b) If the Division of Drinking Water of the state board finds that a contaminant  
39 presents the potential for imminent harm to public health and safety, paragraph (3)  
40 of subdivision (a), and the requirement to publish the proposed level and the 30-  
41 day deadline for the notice and document availability requirement in paragraph (2)  
42 of subdivision (a), shall not apply to the establishment or revision of the

1 notification level or response level for the contaminant. At the time the  
2 notification level or response level is established or revised, the division shall post  
3 the information specified in paragraph (2) of subdivision (a) and any other  
4 information supporting its finding that the contaminant presents the potential for  
5 imminent harm to public health and safety. Within 45 days of establishing or  
6 revising the notification level or response level, the state board shall include, as an  
7 informational item, the notification level or response level at a regularly noticed  
8 meeting of the state board.

9 **Comment.** Section 116456 is amended to reflect nonsubstantive recodification of the  
10 California Public Records Act. See *California Public Records Act Clean-Up*, 46 Cal. L. Revision  
11 Comm'n Reports 2017 (2019).

12 **Health & Safety Code § 127673.81 (amended). Privacy and confidentiality**

13 SEC. \_\_. Section 127673.81 of the Health and Safety Code is amended to read:

14 127673.81. (a)(1) All personal consumer information obtained or maintained by  
15 the program shall be confidential.

16 (2) Only deidentified aggregate patient or other consumer data shall be included  
17 in a publicly available analysis, data product, or research.

18 (b) All policies and procedures developed in implementing this chapter shall  
19 ensure that the privacy, security, and confidentiality of consumers' individually  
20 identifiable health information is protected, consistent with state and federal  
21 privacy laws, including the federal Health Insurance Portability and  
22 Accountability Act of 1996 (HIPAA)(Public Law 104-191) and the  
23 Confidentiality of Medical Information Act (Part 2.6 (commencing with Section  
24 56) of Division 1 of the Civil Code), and data shall not be disclosed until the office  
25 has developed a policy regarding the release of data.

26 (c)(1) The system and all program data shall be exempt from the disclosure  
27 requirements of the California Public Records Act (~~Chapter 3.5 (commencing with~~  
28 ~~Section 6250) of Division 7 (Division 10 (commencing with Section 7920.000))~~ of  
29 Title 1 of the Government Code), and shall not be made available except pursuant  
30 to this chapter.

31 (2) The office shall develop policies and procedures for the disclosure of  
32 information described in paragraph (2) of subdivision (a).

33 (d) Program data shall not be used for determinations regarding individual  
34 patient care or treatment and shall not be used for any individual eligibility or  
35 coverage decisions or similar purposes.

36 **Comment.** Section 127673.81 is amended to reflect nonsubstantive recodification of the  
37 California Public Records Act. See *California Public Records Act Clean-Up*, 46 Cal. L. Revision  
38 Comm'n Reports 2017 (2019).

1 **Health & Safety Code § 127696 (amended). Protection of proprietary, confidential**  
2 **information**

3 SEC. \_\_. Section 127696 of the Health and Safety Code is amended to read:

4 127696. In order to protect proprietary, confidential information regarding  
5 manufacturer or distribution costs and drug pricing, utilization, and rebates, it is  
6 necessary that this act limit the public's right of access to that information.  
7 Notwithstanding any other provision of law, all nonpublic information and  
8 documents obtained under this section shall not be required to be disclosed  
9 pursuant to the California Public Records Act, ~~Chapter 3.5 (commencing with~~  
10 ~~Section 6250) of Division 7~~ Act (Division 10 (commencing with Section  
11 7920.000) of Title 1 of the Government Code, Code), or any similar local law  
12 requiring the disclosure of public records.

13 **Comment.** Section 127696 is amended to reflect nonsubstantive recodification of the  
14 California Public Records Act. See *California Public Records Act Clean-Up*, 46 Cal. L. Revision  
15 Comm'n Reports 2017 (2019).

16 **Ins. Code § 11401.5 (amended). Opinion of qualified actuary**

17 SEC. \_\_. Section 11401.5 of the Insurance Code is amended to read:

18 11401.5. (a)(1) Each association that holds a certificate of authority pursuant to  
19 this chapter and that issues long-term disability or long-term care policies or  
20 contracts shall submit to the commissioner the opinion of a qualified actuary as to  
21 whether the reserves and related actuarial items that support the policies or  
22 contracts issued pursuant to this chapter, including policies and contracts issued by  
23 entities established by these associations that provide benefits described in this  
24 chapter, are expected to be adequate to satisfy contractual provisions, are based on  
25 reasonable assumptions, and are based on actuarial standards of practice published  
26 by the American Academy of Actuaries and the Actuarial Standards Board. An  
27 association that holds a certificate of authority pursuant to this chapter shall file its  
28 opinion no later than July 1, 2021, and that opinion shall have been completed no  
29 earlier than December 31, 2019. Thereafter, an association shall submit a new  
30 actuary opinion to the Commissioner within no more than four years from the date  
31 of its last opinion on file with the Commissioner.

32 (2) An association is considered to have issued a long-term care or disability  
33 policy or contract if it self-funds all or part of the resulting obligation. An  
34 association that markets long-term policies or contracts issued by an insurer that is  
35 admitted by the department to offer insurance products in the state is exempt from  
36 this reporting requirement.

37 (3) An association seeking a certificate of authority pursuant to this chapter shall  
38 file an opinion, to the extent feasible, that establishes that it would have adequate  
39 resources to provide benefits described in this chapter as required to satisfy its  
40 proposed contractual obligations.

41 (b) The opinion required by subdivision (a) shall include supporting memoranda  
42 from the same qualified actuary as to whether the reserves and related actuarial

1 items held in support of the policies and contracts, when considered in light of the  
2 assets held by the association with respect to the reserves and related actuarial  
3 items, including, but not limited to, the investment earnings on the assets and the  
4 considerations anticipated to be received and retained under the policies and  
5 contracts, shall make adequate provision for the association's obligations under  
6 the policies and contracts, including, but not limited to, the benefits and any  
7 administrative and operating expenses associated with the policies and contracts.

8 (c) The opinion required by subdivision (a) shall be governed by the following  
9 provisions:

10 (1) It shall include supporting memoranda consistent with actuarial standards of  
11 practice published by the American Academy of Actuaries and the Actuarial  
12 Standards Board.

13 (2) If the association fails to provide an opinion and supporting memoranda to  
14 the commissioner that meets the requirements of this section, the commissioner  
15 shall notify the association of the deficiencies in the filing, and shall make a  
16 specific request that identifies the issues that should be addressed in an amended  
17 filing. The requests shall be consistent with actuarial standards of practice  
18 published by the American Academy of Actuaries and the Actuarial Standards  
19 Board.

20 (d) Documents, materials, or other information, including the opinion with  
21 supporting memoranda, submitted pursuant to this section that are in the  
22 possession or control of the Department of Insurance and that are obtained by,  
23 created by, or disclosed to the commissioner or any other person pursuant to this  
24 section, are recognized by this state as being proprietary and to contain trade  
25 secrets. Those documents, materials, or other information shall be confidential by  
26 law and privileged, shall not be subject to disclosure by the commissioner  
27 pursuant to the California Public Records Act (~~Chapter 3.5 (commencing with~~  
28 ~~Section 6250) of Division 7 (Division 10 (commencing with Section 7920.000)~~ of  
29 Title 1 of the Government Code), and shall not be subject to subpoena or  
30 discovery from the commissioner or admissible into evidence, in a private civil  
31 action if obtained from the commissioner. The commissioner shall not otherwise  
32 make those documents, materials, or other information public without the prior  
33 written consent of the association.

34 **Comment.** Section 11401.5 is amended to reflect nonsubstantive recodification of the  
35 California Public Records Act. See *California Public Records Act Clean-Up*, 46 Cal. L. Revision  
36 Comm'n Reports 2017 (2019).

37 **Pub. Cont. Code § 20663.3 (amended). Award of best value contract by community college**  
38 **district**

39 SEC. \_\_. Section 20663.3 of the Public Contract Code is amended to read:  
40 20663.3. The governing board of the community college district shall proceed in  
41 accordance with the following when awarding best value contracts under this  
42 article:

1 (a) The community college district shall prepare a solicitation for bids and give  
2 notice pursuant to Section 81641 of the Education Code.

3 (b) The community college district shall establish a procedure to prequalify  
4 bidders as required by this code. Information submitted by the bidder as part of the  
5 evaluation process shall not be open to public inspection to the extent that  
6 information is exempt from disclosure under the California Public Records Act  
7 (~~Chapter 3.5 (commencing with Section 6250) of Division 7 (Division 10~~  
8 (commencing with Section 7920.000) of Title 1 of the Government Code).

9 (c)(1) A bidder shall not be prequalified or shortlisted unless the bidder provides  
10 an enforceable commitment to the community college district that the bidder and  
11 its subcontractors at every tier will use a skilled and trained workforce to perform  
12 all work on the project or contract that falls within an apprenticeable occupation in  
13 the building and construction trades, in accordance with Chapter 2.9 (commencing  
14 with Section 2600) of Part 1.

15 (2) This subdivision shall not apply if any of the following requirements are  
16 met:

17 (A) The community college district has entered into a project labor agreement  
18 that will bind all contractors and subcontractors performing work on the project to  
19 contract to use a skilled and trained workforce, and the bidder agrees to be bound  
20 by that project labor agreement.

21 (B) The project or contract is being performed under the extension or renewal of  
22 a project labor agreement that was entered into by the community college district  
23 prior to January 1, 2020.

24 (C) The bidder has entered into a project labor agreement that will bind the  
25 bidder and all of its subcontractors at every tier performing the project or contract  
26 to use a skilled and trained workforce.

27 (3) For purposes of this subdivision, “project labor agreement” has the same  
28 meaning as in paragraph (1) of subdivision (b) of Section 2500.

29 (d) Each solicitation for bids shall do all of the following:

30 (1) Invite prequalified bidders to submit sealed bids in the manner prescribed by  
31 this article.

32 (2) Include a section identifying and describing the following:

33 (A) Criteria that the community college district will consider in evaluating the  
34 qualifications of the bidders.

35 (B) The methodology and rating or weighting system that will be used by the  
36 community college district in evaluating bids.

37 (C) The relative importance or weight assigned to the criteria for evaluating the  
38 qualifications of bidders identified in the request for bids.

39 (e) Final evaluation of the bidders shall be done in a manner that prevents the  
40 identity of the bidders and the cost or price information from being revealed in  
41 evaluating the qualifications of the bidders prior to completion of qualification  
42 scoring.

1 **Comment.** Section 20663.3 is amended to reflect nonsubstantive recodification of the  
2 California Public Records Act. See *California Public Records Act Clean-Up*, 46 Cal. L. Revision  
3 Comm'n Reports 2017 (2019).

4 **Pub. Res. Code § 14547 (amended). Minimum postconsumer recycled plastic**

5 SEC. \_\_. Section 14547 of the Public Contract Code is amended to read:

6 14547. (a)(1) Between January 1, 2022, and December 31, 2024, inclusive, the  
7 total number of plastic beverage containers filled with a beverage sold by a  
8 beverage manufacturer subject to the California Redemption Value, pursuant to  
9 Chapter 5 (commencing with Section 14560), for sale in the state shall, on  
10 average, contain no less than 15 percent postconsumer recycled plastic per year.

11 (2) Between January 1, 2025, and December 31, 2029, inclusive, the total  
12 number of plastic beverage containers filled with a beverage sold by a beverage  
13 manufacturer subject to the California Redemption Value, pursuant to Chapter 5  
14 (commencing with Section 14560), for sale in the state shall, on average, contain  
15 no less than 25 percent postconsumer recycled plastic per year.

16 (3) On and after January 1, 2030, the total number of plastic beverage containers  
17 filled with a beverage sold by a beverage manufacturer subject to the California  
18 Redemption Value, pursuant to Chapter 5 (commencing with Section 14560), for  
19 sale in the state shall, on average, contain no less than 50 percent postconsumer  
20 recycled plastic per year.

21 (4)(A) Beginning January 1, 2025, the director may, on an annual basis, review  
22 and determine to adjust the minimum postconsumer recycled content percentage  
23 required pursuant to paragraphs (2) and (3). The director's review may be initiated  
24 by the director or at the petition of the beverage manufacturing industry not more  
25 than annually. The department shall adopt regulations to establish the petition  
26 process and requirements. The director shall not adjust the minimum  
27 postconsumer recycled content requirements above the minimum postconsumer  
28 recycled plastic content percentages required pursuant to paragraphs (2) and (3). In  
29 making a determination pursuant to this paragraph, the director shall consider, at a  
30 minimum, all of the following factors:

31 (i) Changes in market conditions, including supply and demand for  
32 postconsumer recycled plastics, collection rates, and bale availability both  
33 domestically and globally.

34 (ii) Recycling rates.

35 (iii) The availability of recycled plastic suitable to meet the minimum recycled  
36 content requirements pursuant to paragraphs (2) and (3), including the availability  
37 of high-quality recycled plastic, and food-grade recycled plastic from the state's  
38 and other beverage container recycling programs.

39 (iv) The capacity of recycling or processing infrastructure.

40 (v) The progress made by beverage manufacturers in achieving the goals of this  
41 subdivision.

1 (B) Notwithstanding subparagraph (A), the director shall not review or adjust a  
2 minimum postconsumer recycled content standard while the department is  
3 reducing payments pursuant to subdivision (c) of Section 14581.

4 (C) The department may enter into a contract for the services required to  
5 implement this section and related regulations developed by the department.

6 (D) For purposes of this paragraph, “beverage manufacturing industry” means  
7 an association that represents companies that manufacture beverages.

8 (b)(1) Beginning January 1, 2023, a beverage manufacturer that does not meet  
9 the minimum recycled plastic content requirements pursuant to subdivision (a)  
10 shall be subject to an annual administrative penalty pursuant to this subdivision.  
11 Beginning March 1, 2024, the administrative penalty shall be collected annually, if  
12 a reduction has not been approved pursuant to subdivision (e), and calculated in  
13 accordance with subdivision (c).

14 (2) A beverage manufacturer that is assessed penalties pursuant to this  
15 subdivision may pay those penalties to the department in quarterly installments or  
16 arrange an alternative payment schedule subject to the approval of the department,  
17 not to exceed a 12-month payment plan unless an extension is needed due to  
18 unforeseen circumstances, such as a public health emergency, state of emergency,  
19 or natural disaster.

20 (c) Beginning March 1, 2024, and annually thereafter, the department shall  
21 invoice any assessed administrative penalties for the previous calendar year based  
22 on the postconsumer recycled plastic content requirement of the previous calendar  
23 year. The department shall calculate the amount of the penalty based upon the  
24 amount in pounds in the aggregate of virgin and postconsumer recycled plastic  
25 material used by the beverage manufacturer to produce beverage containers sold  
26 or offered for sale in the state, in accordance with the following:

27 (1) The annual administrative penalty amount assessed to a beverage  
28 manufacturer shall equal the product of both of the following:

29 (A) The total pounds of plastic used multiplied by the relevant minimum  
30 postconsumer recycled plastic percentage, less the pounds of postconsumer  
31 recycled plastic used.

32 (B) Twenty cents (\$0.20).

33 (2) For purposes of paragraph (1), both of the following shall apply:

34 (A) The total pounds of plastic used shall equal the sum of the amount of virgin  
35 plastic and postconsumer recycled plastic used by the beverage manufacturer, as  
36 reported pursuant to subdivision (a) of Section 14549.3.

37 (B) If the product calculated pursuant to paragraph (1) is equal to or less than  
38 zero, an administrative penalty shall not be assessed.

39 (d)(1) The department may conduct audits and investigations and take an  
40 enforcement action against a beverage manufacturer for the purpose of ensuring  
41 compliance with this section and the information reported pursuant to Section  
42 14549.3. The department may take an enforcement action against a beverage  
43 manufacturer that fails to pay or underpays the assessed or audited administrative



1 penalty only after notice and hearing in accordance with Chapter 5 (commencing  
2 with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

3 (2) The department shall keep confidential all business trade secrets and  
4 proprietary information about manufacturing processes and equipment that the  
5 department gathers or becomes aware of through the course of conducting audits  
6 or investigations pursuant to paragraph (1). Business trade secrets and proprietary  
7 information obtained pursuant to this subdivision shall not be subject to the  
8 California Public Records Act (~~Chapter 3.5 (commencing with Section 6250)~~ of  
9 ~~Division 7 (Division 10 (commencing with Section 7920.000))~~ of Title 1 of the  
10 Government Code).

11 (3) A beverage manufacturer may obtain a copy of the department's audit of that  
12 beverage manufacturer conducted pursuant to paragraph (1).

13 (e)(1) The department shall consider granting a reduction of the administrative  
14 penalties assessed pursuant to subdivision (b) for the purpose of meeting the  
15 minimum recycled content requirements required pursuant to paragraphs (1) to  
16 (3), inclusive, of subdivision (a).

17 (2) In determining whether to grant the reduction pursuant to paragraph (1), the  
18 department shall consider, at a minimum, all of the following factors:

19 (A) Anomalous market conditions.

20 (B) Disruption in, or lack of supply of, recycled plastics.

21 (C) Other factors that have prevented a beverage manufacturer from meeting the  
22 requirements.

23 (3) In order to receive a reduction of the administrative penalty, a beverage  
24 manufacturer shall submit to the department a corrective action plan detailing the  
25 reasons why the beverage manufacturer will fail to meet or has failed to meet the  
26 minimum postconsumer recycled content standard and the steps the beverage  
27 manufacturer will take to comply with the minimum postconsumer recycled  
28 content standard within the next reporting year. The department may approve the  
29 corrective action plan, and may reduce the administrative penalties once it  
30 approves the corrective action plan and the beverage manufacturer implements the  
31 plan. Administrative penalties shall accrue from the point of noncompliance with  
32 the minimum postconsumer recycled content standard if the department  
33 disapproves the corrective action plan or if the beverage manufacturer fails to  
34 implement the plan.

35 (f) The Recycling Enhancement Penalty Account is hereby created in the State  
36 Treasury. Notwithstanding subdivision (d) of Section 14580 and paragraph (3) of  
37 subdivision (a) of Section 14591.1, administrative penalties collected pursuant to  
38 this section shall be deposited into the Recycling Enhancement Penalty Account.  
39 Moneys in the Recycling Enhancement Penalty Account shall be expended upon  
40 appropriation by the Legislature in the annual Budget Act for the sole purpose of  
41 supporting the recycling, infrastructure, collection, and processing of plastic  
42 beverage containers in the state.

1 (g)(1) If the Legislature makes an appropriation in the annual Budget Act before  
2 June 15, 2027, for this purpose, the department may contract with a research  
3 university to study the polyethylene terephthalate and high-density polyethylene  
4 markets for all of the following:

5 (A) Analyzing market conditions and opportunities in the state’s recycling  
6 industry for meeting the minimum recycled plastic content requirements for plastic  
7 beverage containers required pursuant to subdivision (a).

8 (B) Determining the data needs and tracking opportunities to increase the  
9 transparency and support of a more effective, fact-based public understanding of  
10 the recycling industry.

11 (C) Recommending further policy modifications and measures to achieve the  
12 state’s recycling targets with the least cost and optimal efficiency.

13 (2) If the Legislature makes the appropriation specified in paragraph (1) and the  
14 department undertakes the study, the study shall be completed no later than May 1,  
15 2028.

16 (3) The department may allocate moneys from the fund, upon appropriation by  
17 the Legislature as specified in paragraph (1), for the study by June 30, 2027, if all  
18 of the following apply:

19 (A) The department finds that there are sufficient moneys in the fund.

20 (B) The fund is not operating at a deficit.

21 (C) The director is not exercising authority to implement proportional reductions  
22 subject to the requirements of subdivision (c) of Section 14581.

23 (h) A city, county, or other local government jurisdiction shall not adopt an  
24 ordinance regulating the minimum recycled plastic content requirements for  
25 plastic beverage containers.

26 (i) This section does not apply to either of the following:

27 (1) A refillable plastic beverage container.

28 (2) A beverage manufacturer that meets the requirements of subparagraph (A) of  
29 paragraph (3) of subdivision (g) of Section 14575, as that section read on January  
30 1, 2020.

31 (j) The Legislature encourages beverage manufacturers to use plastic beverage  
32 containers that contain 100 percent recycled plastic content.

33 **Comment.** Section 14547 is amended to reflect nonsubstantive recodification of the California  
34 Public Records Act. See *California Public Records Act Clean-Up*, 46 Cal. L. Revision Comm’n  
35 Reports 2017 (2019).

36 **Pub. Res. Code § 21189.70.1 (amended). Environmental impact statement for transit-**  
37 **oriented development project in Old Town Center site**

38 SEC. \_\_. Section 21189.70.1 of the Public Resources Code is amended to read:

39 21189.70.1. (a) For purposes of this section, the following definitions apply:

40 (1) “Employment center project” means a project with a floor area ratio of no  
41 less than 0.75 and that is located within a transit priority area.

42 (2) “Floor area ratio” has the same meaning as in Section 21099.

1 (3) “Transit priority area” has the same meaning as in Section 21099.

2 (b) Except as provided in subdivision (c), the requirements of this division are  
3 satisfied by an environmental impact statement prepared pursuant to the notice of  
4 intent described in subdivision (i) of Section 21189.70 and that meets the  
5 requirements of subdivision (d) for a transit-oriented development project,  
6 including a residential, employment center, or mixed-use development project,  
7 approved by the lead agency, located in the Old Town Center site, if the transit-  
8 oriented development project meets all of the following criteria:

9 (1) The transit-oriented development project is proposed within a transit priority  
10 area.

11 (2)(A) The transit-oriented development project is undertaken to implement and  
12 is consistent with the land use standards approved by the Navy and SANDAG for  
13 the Old Town Center site and the site plan for which the environmental impact  
14 report has been certified on or before December 31, 2022.

15 (B) The site plan shall meet a vehicle miles traveled reduction of 25 percent  
16 below the regional average vehicle miles traveled identified in the sustainable  
17 communities strategy or alternative planning strategy applicable at the time of the  
18 approval of the site plan.

19 (3) The transit-oriented development project is consistent with the general use  
20 designation, density, building intensity, and applicable policies specified in the  
21 Old Town Center site in either a sustainable communities strategy or an alternative  
22 planning strategy for which the State Air Resources Board, pursuant to  
23 subparagraph (H) of paragraph (2) of subdivision (b) of Section 65080 of the  
24 Government Code, has accepted SANDAG’s determination that the sustainable  
25 communities strategy or the alternative planning strategy would, if implemented,  
26 achieve the greenhouse gas emissions reduction targets.

27 (4)(A) For a transit-oriented development project undertaken by a public  
28 agency, except as provided in subparagraph (B), an entity shall not be prequalified  
29 or shortlisted or awarded a contract by the public agency to perform any portion of  
30 the transit-oriented development project unless the entity provides an enforceable  
31 commitment to the public agency that the entity and its subcontractors at every tier  
32 will use a skilled and trained workforce to perform all work on the transit-oriented  
33 development project or contract that falls within an apprenticeable occupation in  
34 the building and construction trades.

35 (B) Subparagraph (A) does not apply if any of the following requirements are  
36 met:

37 (i) The public agency has entered into a project labor agreement that will bind  
38 all contractors and subcontractors performing work on the transit-oriented  
39 development project or contract to use a skilled and trained workforce, and the  
40 entity agrees to be bound by that project labor agreement.

41 (ii) The transit-oriented development project or contract is being performed  
42 under the extension or renewal of a project labor agreement that was entered into  
43 by the public agency before January 1, 2021.

1 (iii) The entity has entered into a project labor agreement that will bind the  
2 entity and all of its subcontractors at every tier performing the transit-oriented  
3 development project or contract to use a skilled and trained workforce.

4 (5) For a transit-oriented development project undertaken by a private entity, the  
5 transit-oriented development project applicant shall do both of the following:

6 (A) Certify to the lead agency that either of the following is true:

7 (i) The entirety of the transit-oriented development project is a public work for  
8 purposes of Chapter 1 (commencing with Section 1720) of Part 7 of Division 2 of  
9 the Labor Code.

10 (ii) If the transit-oriented development project is not in its entirety a public work,  
11 all construction workers employed in the execution of the transit-oriented  
12 development project will be paid at least the general prevailing rate of per diem  
13 wages for the type of work and geographic area, as determined by the Director of  
14 Industrial Relations pursuant to Sections 1773 and 1773.9 of the Labor Code,  
15 except that apprentices registered in programs approved by the Chief of the  
16 Division of Apprenticeship Standards may be paid at least the applicable  
17 apprentice prevailing rate. If the transit-oriented development project is subject to  
18 this clause, then, for those portions of the transit-oriented development project that  
19 are not a public work, all of the following shall apply:

20 (I) The transit-oriented development project applicant shall ensure that the  
21 prevailing wage requirement is included in all contracts for the performance of the  
22 work.

23 (II) All contractors and subcontractors shall pay to all construction workers  
24 employed in the execution of the work at least the general prevailing rate of per  
25 diem wages, except that apprentices registered in programs approved by the Chief  
26 of the Division of Apprenticeship Standards may be paid at least the applicable  
27 apprentice prevailing rate.

28 (III) Except as provided in subclause (V), all contractors and subcontractors  
29 shall maintain and verify payroll records pursuant to Section 1776 of the Labor  
30 Code and make those records available for inspection and copying as provided by  
31 that section.

32 (IV) Except as provided in subclause (V), the obligation of the contractors and  
33 subcontractors to pay prevailing wages may be enforced by the Labor  
34 Commissioner through the issuance of a civil wage and penalty assessment  
35 pursuant to Section 1741 of the Labor Code, which may be reviewed pursuant to  
36 Section 1742 of the Labor Code, within 18 months after the completion of the  
37 transit-oriented development project, by an underpaid worker through an  
38 administrative complaint or civil action, or by a joint labor-management  
39 committee through a civil action under Section 1771.2 of the Labor Code. If a civil  
40 wage and penalty assessment is issued, the contractor, subcontractor, and surety on  
41 a bond or bonds issued to secure the payment of wages covered by the assessment  
42 shall be liable for liquidated damages pursuant to Section 1742.1 of the Labor  
43 Code.

1 (V) Subclauses (III) and (IV) do not apply if all contractors and subcontractors  
2 performing work on the transit-oriented development project are subject to a  
3 project labor agreement that requires the payment of prevailing wages to all  
4 construction workers employed in the execution of the transit-oriented  
5 development project and provides for enforcement of that obligation through an  
6 arbitration procedure.

7 (VI) Notwithstanding subdivision (c) of Section 1773.1 of the Labor Code, the  
8 requirement that employer payments not reduce the obligation to pay the hourly  
9 straight time or overtime wages found to be prevailing shall not apply if otherwise  
10 provided in a bona fide collective bargaining agreement covering the worker. The  
11 requirement to pay at least the general prevailing rate of per diem wages does not  
12 preclude the use of an alternative workweek schedule adopted pursuant to Section  
13 511 or 514 of the Labor Code.

14 (B) Certify to the lead agency that a skilled and trained workforce will be used  
15 to perform all construction work on the transit-oriented development project. All  
16 of the following requirements shall apply to the transit-oriented development  
17 project:

18 (i) The transit-oriented development project applicant shall require in all  
19 contracts for the performance of work that every contractor and subcontractor at  
20 every tier will individually use a skilled and trained workforce to complete the  
21 transit-oriented development project.

22 (ii) Every contractor and subcontractor shall use a skilled and trained workforce  
23 to complete the transit-oriented development project.

24 (iii)(I) Except as provided in subclause (II), the transit-oriented development  
25 project applicant shall provide to the lead agency, on a monthly basis while the  
26 transit-oriented development project or contract is being performed, a report  
27 demonstrating compliance with Chapter 2.9 (commencing with Section 2600) of  
28 Part 1 of Division 2 of the Public Contract Code. A monthly report provided to the  
29 lead agency pursuant to this subclause shall be a public record under the California  
30 Public Records Act (~~Chapter 3.5 (commencing with Section 6250) of Division 7~~  
31 Division 10 (commencing with Section 7920.000) of Title 1 of the Government  
32 Code) and shall be open to public inspection. A transit-oriented development  
33 project applicant that fails to provide a monthly report demonstrating compliance  
34 with Chapter 2.9 (commencing with Section 2600) of Part 1 of Division 2 of the  
35 Public Contract Code shall be subject to a civil penalty of ten thousand dollars  
36 (\$10,000) per month for each month for which the report has not been provided.  
37 Any contractor or subcontractor that fails to use a skilled and trained workforce  
38 shall be subject to a civil penalty of two hundred dollars (\$200) per day for each  
39 worker employed in contravention of the skilled and trained workforce  
40 requirement. Penalties may be assessed by the Labor Commissioner within 18  
41 months of completion of the transit-oriented development project using the same  
42 procedures for issuance of civil wage and penalty assessments pursuant to Section  
43 1741 of the Labor Code, and may be reviewed pursuant to the same procedures in

1 Section 1742 of the Labor Code. Penalties shall be paid to the State Public Works  
2 Enforcement Fund.

3 (II) Subclause (I) does not apply if all contractors and subcontractors performing  
4 work on the transit-oriented development project are subject to a project labor  
5 agreement that requires compliance with the skilled and trained workforce  
6 requirement and provides for enforcement of that obligation through an arbitration  
7 procedure.

8 (c) Further environmental review, including the preparation of a supplemental  
9 environmental impact report, if appropriate, shall be conducted only if any of the  
10 events specified in Section 21166 have occurred.

11 (d)(1) Pursuant to Section 21083.5, the environmental impact statement  
12 prepared by the Navy for the redevelopment of the Old Town Center site pursuant  
13 to the federal National Environmental Policy Act of 1969 (42 U.S.C. Sec. 4321 et  
14 seq.) may be used in lieu of all or any part of an environmental impact report  
15 prepared pursuant to this division for the redevelopment of the Old Town Center  
16 site if that statement complies with the applicable requirements of this division and  
17 the guidelines adopted pursuant to this division and its use for purposes of  
18 compliance with this division shall not in and of itself constitute a prejudicial  
19 abuse of discretion so long as the lead agency consults with the Navy, notifies the  
20 Navy regarding any scoping meetings for the proposed transit-oriented  
21 development project, and a discussion of mitigation measures or growth-inducing  
22 impacts are included in the environmental impact statement.

23 (2) Paragraph (1) is not intended to exempt approvals of public agencies from  
24 the requirements of Section 21081, 21081.6, 21100, or 21151, or to limit judicial  
25 review of those approvals under Section 21168.

26 (3) Any significant impacts identified in the Navy's environmental impact  
27 statement for the redevelopment of the Old Town Center site that are offsite of the  
28 Old Town Center site and that are incorporated by the lead agency into the  
29 environmental impact report shall be subject to the applicable mitigation  
30 requirements and enforcement provisions of this division.

31 (e) The approval of a transit-oriented development project shall be preceded by a  
32 determination under subdivisions (b) and (c).

33 **Comment.** Section 21189.70.1 is amended to reflect nonsubstantive recodification of the  
34 California Public Records Act. See *California Public Records Act Clean-Up*, 46 Cal. L. Revision  
35 Comm'n Reports 2017 (2019).

36 **Pub. Res. Code § 25364 (amended). Confidential information**

37 SEC. \_\_\_. Section 25364 of the Public Resources Code is amended to read:

38 25364. Any person required to present information to the commission pursuant  
39 to Section 25354 may request that specific information be held in confidence.  
40 Information requested to be held in confidence shall be presumed to be  
41 confidential.

1 (b) Information presented to the commission pursuant to Section 25354 shall be  
2 held in confidence by the commission or aggregated to the extent necessary to  
3 assure confidentiality if public disclosure of the specific information or data would  
4 result in unfair competitive disadvantage to the person supplying the information.

5 (c)(1) Whenever the commission receives a request to publicly disclose  
6 unaggregated information, or otherwise proposes to publicly disclose information  
7 submitted pursuant to Section 25354, notice of the request or proposal shall be  
8 provided to the person submitting the information. The notice shall indicate the  
9 form in which the information is to be released. Upon receipt of notice, the person  
10 submitting the information shall have 10 working days in which to respond to the  
11 notice to justify the claim of confidentiality on each specific item of information  
12 covered by the notice on the basis that public disclosure of the specific  
13 information would result in unfair competitive disadvantage to the person  
14 supplying the information.

15 (2) The commission shall consider the respondent's submittal in determining  
16 whether to publicly disclose the information submitted to it to which a claim of  
17 confidentiality is made. The commission shall issue a written decision which sets  
18 forth its reasons for making the determination whether each item of information  
19 for which a claim of confidentiality is made shall remain confidential or shall be  
20 publicly disclosed.

21 (d) The commission shall not make public disclosure of information submitted  
22 to it pursuant to Section 25354 within 10 working days after the commission has  
23 issued its written decision required in this section.

24 (e) No information submitted to the commission pursuant to Section 25354 shall  
25 be deemed confidential if the person submitting the information or data has made  
26 it public.

27 (f) With respect to petroleum products and blendstocks reported by type  
28 pursuant to paragraph (1) or (2) of subdivision (a) of Section 25354 and  
29 information provided pursuant to subdivision (h) or (i) of Section 25354, neither  
30 the commission nor any employee of the commission may do any of the  
31 following:

32 (1) Use the information furnished under paragraph (1) or (2) of subdivision (a)  
33 of Section 25354 or under subdivision (h) or (i) of Section 25354 for any purpose  
34 other than the statistical purposes for which it is supplied.

35 (2) Make any publication whereby the information furnished by any particular  
36 establishment or individual under paragraph (1) or (2) of subdivision (a) of Section  
37 25354 or under subdivision (h) or (i) of Section 25354 can be identified.

38 (3) Permit anyone other than commission members and employees of the  
39 commission to examine the individual reports provided under paragraph (1) or (2)  
40 of subdivision (a) of Section 25354 or under subdivision (h) or (i) of Section  
41 25354.

42 (g) Notwithstanding any other law, the commission may disclose confidential  
43 information received pursuant to subdivision (a) of Section 25304 or Section

1 25354 to the State Air Resources Board if the state board agrees to keep the  
2 information confidential. With respect to the information it receives, the state  
3 board shall be subject to all pertinent provisions of this section.

4 (h) Notwithstanding any other law, the commission may disclose confidential  
5 information received pursuant to paragraph (1) of subdivision (f) of Section 25354  
6 to the administrator for oil spill response, appointed pursuant to Section 8670.4 of  
7 the Government Code, upon request for oil spill planning and preparedness  
8 purposes, and to first responders in the event of an accident or spill. Information  
9 disclosed to the administrator or first responders pursuant to this subdivision that  
10 has been identified as confidential under subdivision (a) shall not be disclosed to  
11 any other entity except pursuant to a request in accordance with the California  
12 Public Records Act (~~Chapter 3.5 (commencing with Section 6250)~~ of ~~Division 7~~  
13 (Division 10 (commencing with Section 7920.000)) of Title 1 of the Government  
14 Code). Upon receipt of a records request seeking information disclosed pursuant to  
15 this subdivision, the administrator or first responder receiving the request shall  
16 provide the destination facility who provided the confidential information to the  
17 commission with an opportunity to submit, within a reasonable time, a response  
18 and information in support of exemption from disclosure before making the  
19 determination whether the requested records are exempt from disclosure. No  
20 requirement or deadline contained in the California Public Records Act (~~Chapter~~  
21 ~~3.5 (commencing with Section 6250)~~ of ~~Division 7~~ (Division 10 (commencing  
22 with Section 7920.000) of Title 1 of the Government Code) shall be extended or  
23 waived as a result of this subdivision.

24 **Comment.** Section 25364 is amended to reflect nonsubstantive recodification of the California  
25 Public Records Act. See *California Public Records Act Clean-Up*, 46 Cal. L. Revision Comm'n  
26 Reports 2017 (2019).

27 **Unemp. Ins. Code § 14109 (amended). Collection of information for implementation of**  
28 **SEED Initiative**

29 SEC. \_\_. Section 14109 of the Unemployment Insurance Code is amended to  
30 read:

31 14109. For purposes of implementing the SEED Initiative, no entity or person  
32 shall seek information that is unnecessary to determine eligibility, including  
33 whether the individual is unlawfully present in the United States. Information that  
34 may be collected from individuals participating in the SEED Initiative shall not  
35 constitute a record subject to disclosure under ~~Chapter 3.5 (commencing with~~  
36 ~~Section 6250)~~ of ~~Division 7~~ (Division 10 (commencing with Section 7920.000)) of  
37 Title 1 of the Government Code.

38 **Comment.** Section 14109 is amended to reflect nonsubstantive recodification of the California  
39 Public Records Act. See *California Public Records Act Clean-Up*, 46 Cal. L. Revision Comm'n  
40 Reports 2017 (2019).



1 **Welf. & Inst. Code § 4903 (amended). Access of protection and advocacy agency to records**  
2 **of people with disabilities**

3 SEC. \_\_. Section 4903 of the Welfare and Institutions Code is amended to read:  
4 4903. (a) The protection and advocacy agency shall have access to the records of  
5 any of the following people with disabilities:

6 (1) Any person who is a client of the agency, or any person who has requested  
7 assistance from the agency, if that person or the agent designated by that person,  
8 or the guardian, conservator, limited conservator, or other legal representative of  
9 that person, has authorized the protection and advocacy agency to have access to  
10 the records and information. If a person with a disability who is able to authorize  
11 the protection and advocacy agency to access their records expressly denies this  
12 access after being informed by the protection and advocacy agency of their right to  
13 authorize or deny access, the protection and advocacy agency shall not have  
14 access to that person's records.

15 (2) Any person, including any individual who cannot be located, to whom all of  
16 the following conditions apply:

17 (A) The individual, due to their mental or physical condition, is unable to  
18 authorize the protection and advocacy agency to have access to their records.

19 (B) The individual does not have a guardian, conservator, limited conservator, or  
20 other legal representative, or the individual's representative is a public entity,  
21 including the state or one of its political subdivisions.

22 (C) The protection and advocacy agency is authorized pursuant to subdivision  
23 (a) of Section 4902 to exercise the authority specified in that section.

24 (3) Any person who is deceased. Probable cause to believe that the death of an  
25 individual with a disability resulted from abuse or neglect or any other specific  
26 cause is not required for the protection and advocacy agency to obtain access to  
27 the records. For the purposes of access pursuant to this paragraph, "person with a  
28 disability" includes a person who died in a situation in which services, supports, or  
29 other assistance is, or has, customarily been provided to people with disabilities.

30 (4) Any person who has a guardian, conservator, limited conservator, or other  
31 legal representative with respect to whom a complaint has been received by the  
32 protection and advocacy agency, or with respect to whom the protection and  
33 advocacy agency has determined that probable cause exists to believe that the  
34 person has been or may be subjected to abuse or neglect, whenever all of the  
35 following conditions exist:

36 (A) The protection and advocacy agency made a good faith effort to contact the  
37 guardian, conservator, limited conservator, or other legal representative upon  
38 prompt receipt of the representative's contact information, which shall include, but  
39 not be limited to, the representative's name, address, telephone number, and email  
40 address.

41 (B) The protection and advocacy agency has offered assistance to the  
42 representatives to resolve the situation.

43 (C) The representative has failed or refused to consent on behalf of the person.

1 (5) Any other person with a disability under the circumstances described in  
2 subdivision (a) of Section 4902.

3 (b) Individual records that shall be available to the protection and advocacy  
4 agency under this division, whether written or in another medium, draft,  
5 preliminary, or final, including, but not limited to, handwritten notes, electronic  
6 files, photographs, videotapes, or audiotapes, shall include, but not be limited to,  
7 all of the following:

8 (1) Information and records prepared or received in the course of providing  
9 intake, assessment, evaluation, education, training, or other services, supports, or  
10 assistance, including, but not limited to, medical records, financial records,  
11 monitoring reports, or other reports, prepared or received by a member of the staff  
12 of a facility, program, or service provider. This includes records stored or  
13 maintained at sites other than that of the facility, program, or service provider and  
14 records that were not prepared by the facility, program, or service provider, but  
15 received by the facility, program, or service provider.

16 (2) Reports prepared by a federal, state, or local governmental agency or a  
17 private organization charged with investigating reports of incidents of abuse,  
18 neglect, injury, or death. The organizations whose reports are subject to this  
19 requirement include, but are not limited to, agencies in the foster care system,  
20 disabilities systems, prison and jail systems, facilities used to house or detain  
21 persons for purposes of civil immigration proceedings, public and private  
22 educational systems, emergency shelters, criminal and civil law enforcement  
23 agencies such as police departments, agencies overseeing juvenile justice  
24 facilities, juvenile detention facilities, all preadjudication and postadjudication  
25 juvenile facilities, state and federal licensing and certification agencies, and  
26 private accreditation organizations such as the Joint Commission on the  
27 Accreditation of Healthcare Organizations or by medical care evaluation or peer  
28 review committees, regardless of whether they are protected by state law. The  
29 reports subject to this requirement describe any or all of the following:

30 (A) Abuse, neglect, injury, or death.

31 (B) The steps taken to investigate the incidents.

32 (C) Reports and records, including, but not limited to, personnel records  
33 prepared or maintained by the facility, program, or service provider in connection  
34 with reports of incidents, subject to the following:

35 (i) If a state statute specifies procedures with respect to personnel records, the  
36 protection and advocacy agency shall follow those procedures.

37 (ii) Personnel records shall be protected from disclosure in compliance with the  
38 fundamental right of privacy established pursuant to Section 1 of Article I of the  
39 California Constitution. The custodian of personnel records shall have a right and  
40 a duty to resist attempts to allow the unauthorized disclosure of personnel records,  
41 and may not waive the privacy rights that are guaranteed pursuant to Section 1 of  
42 Article I of the California Constitution.

1 (D) Supporting information that was relied upon in creating a report, including,  
2 but not limited to, all information and records that document interviews with  
3 persons who were interviewed, physical and documentary evidence that was  
4 reviewed, or related investigative findings.

5 (3) Discharge planning records.

6 (c) Information in the possession of a program, facility, or service provider that  
7 must be available to the agency investigating instances of abuse or neglect  
8 pursuant to subdivision (a) of Section 4902, whether written or in another medium,  
9 draft, preliminary, or final, including, but not limited to, handwritten notes,  
10 electronic files, photographs, videotapes, audiotapes, or records, shall include, but  
11 not be limited to, all of the following:

12 (1) Information in reports prepared by individuals and entities performing  
13 certification or licensure reviews, or by professional accreditation organizations,  
14 as well as related assessments prepared for a program, facility, or service provider  
15 by its staff, contractors, or related entities, including peer review committees.

16 (2) Information in professional, performance, building, or other safety standards,  
17 or demographic and statistical information, relating to the facility, program, or  
18 service provider.

19 (d) The authority of the protection and advocacy agency to have access to  
20 records does not supersede any prohibition on discovery specified in Sections  
21 1157 and 1157.6 of the Evidence Code, nor does it supersede any prohibition on  
22 disclosure subject to the physician-patient privilege or the psychotherapist-patient  
23 privilege.

24 (e) An educational agency, including, but not limited to, public, private, and  
25 charter schools and public and private residential and nonresidential schools, shall  
26 provide the protection and advocacy agency with the name and contact  
27 information for the parent or guardian of a student for whom the protection and  
28 advocacy agency has authority to access, inspect, and copy records.

29 (f)(1) The protection and advocacy agency shall have access to records of  
30 individuals described in subdivision (a) of Section 4902 and in subdivision (a),  
31 and other records that are relevant to conducting an investigation, under the  
32 circumstances described in those subdivisions, not later than three business days  
33 after the agency makes a written request for the records involved.

34 (2) The protection and advocacy agency shall have immediate access to the  
35 records, including the right to inspect and copy the records, as described in  
36 subdivision (g), not later than 24 hours after the agency makes a request, without  
37 consent from another party, in a situation in which treatment, services, supports, or  
38 other assistance is provided to an individual with a disability, if the agency  
39 determines that the health or safety of the individual is in serious and immediate  
40 jeopardy, or in a case of the death of an individual with a disability.

41 (3) If the protection and advocacy agency's access to records is denied or  
42 delayed beyond the deadlines specified in paragraphs (1) and (2), the protection  
43 and advocacy agency shall, within two business days after the expiration of the

1 deadline, be provided with a written statement of reasons for the denial or delay.  
2 In the case of a denial for alleged lack of authorization, the name, address, and  
3 telephone number of the guardian, conservator, limited conservator, or other legal  
4 representative of the individual with a disability shall be included in the statement.

5 (g) A protection and advocacy agency shall be permitted to inspect and copy  
6 information and records, subject to a reasonable charge to offset duplicating costs.  
7 If the facility, program, or service provider or its agents copy the records for the  
8 protection and advocacy agency, it shall not charge the protection and advocacy  
9 agency an amount that would exceed the amount authorized by the California  
10 Public Records Act (~~Chapter 3.5 (commencing with Section 6250)~~ of ~~Division 7~~  
11 Division 10 (commencing with Section 7920.000) of Title 1 of the Government  
12 Code) for reproducing documents. The protection and advocacy agency may make  
13 written notes when inspecting information and records, and may use its own  
14 photocopying equipment to obtain copies. For state-operated mental health  
15 facilities, the protection and advocacy agency may not use equipment or devices  
16 otherwise restricted in the facilities when copying records in a portion of the  
17 facility where the restriction applies. If a party other than the protection and  
18 advocacy agency performs the photocopying or other reproduction of records, it  
19 shall provide the photocopies or reproductions to the protection and advocacy  
20 agency within the timeframes specified in subdivision (f). In addition, if records  
21 are kept or maintained electronically, they shall be provided to the protection and  
22 advocacy agency electronically.

23 (h)(1) Confidential information kept or obtained by the protection and advocacy  
24 agency shall remain confidential and is not subject to disclosure.

25 (2) The protection and advocacy agency shall obtain written consent from the  
26 following individuals, as applicable, before releasing information concerning them  
27 to a person not otherwise authorized to receive it:

28 (A) An individual with a disability, a client, or the individual's or client's  
29 guardian, conservator, limited conservator, or other legal representative.

30 (B) An individual who has been provided general information or technical  
31 assistance on a particular matter.

32 (C) An individual who furnishes reports or information that form the basis for a  
33 determination of probable cause that an individual has been or may be subject to  
34 abuse or neglect, or is in serious and immediate jeopardy.

35 (3) This subdivision shall not, however, prevent the protection and advocacy  
36 agency from doing any of the following:

37 (A) Sharing the information with the individual client who is the subject of the  
38 record or report or other document, or with the client's legally authorized  
39 representative, subject to any limitation on disclosure to recipients of mental  
40 health services as provided in subsection (b) of Section 10806 of Title 42 of the  
41 United States Code.

42 (B) Issuing a public report of the results of an investigation that maintains the  
43 confidentiality of individual service recipients.

1 (C) Reporting the results of an investigation to responsible investigative or  
2 enforcement agencies in a manner that maintains the confidentiality of the  
3 individuals should an investigation reveal information concerning the facility,  
4 program, or service provider, or their staff or employees warranting possible  
5 sanctions or corrective action. The information may be reported to agencies that  
6 are responsible for facility, program, or service provider licensing or accreditation,  
7 employee discipline, employee licensing or certification suspension or revocation,  
8 or criminal investigation or prosecution.

9 (D) Pursuing alternative remedies, including the initiation of legal action.

10 (E) Reporting suspected elder or dependent adult abuse pursuant to the Elder  
11 Abuse and Dependent Adult Civil Protection Act (Chapter 11 (commencing with  
12 Section 15600) of Part 3 of Division 9).

13 (4) Notwithstanding the confidentiality requirements of this section, the  
14 protection and advocacy agency may make a report to investigative or  
15 enforcement agencies that reveals the identity of an individual with a disability,  
16 and information relating to their status or treatment in any of the following  
17 situations:

18 (A) When the agency has received a complaint that the individual has been or  
19 may be subject to abuse and neglect, or has probable cause to believe that the  
20 individual has been or may be subject to abuse or neglect.

21 (B) When the protection and advocacy agency determines that the health or  
22 safety of the individual is in serious and immediate jeopardy.

23 (C) In the case of the death of an individual whom the protection and advocacy  
24 agency believes may have had a disability.

25 (i) The protection and advocacy agency shall inform and train employees as  
26 appropriate regarding the confidentiality of client records.

27 (j) The authority provided pursuant to subdivision (b) shall include access to all  
28 of the following:

29 (1) An unredacted facility evaluation report form or an unredacted complaint  
30 investigation report form of the State Department of Social Services. This  
31 information shall remain confidential and subject to the confidentiality  
32 requirements of subdivision (h).

33 (2) An unredacted citation report, unredacted licensing report, unredacted survey  
34 report, unredacted plan of correction, or unredacted statement of deficiency of the  
35 State Department of Public Health, prepared by authorized licensing personnel or  
36 authorized representatives as described in subdivision (a) of Section 5328.15. The  
37 information shall remain confidential and subject to the confidentiality  
38 requirements of subdivision (h).

39 (k) Notwithstanding any other state law governing patient privacy, the sharing of  
40 health information and records with a protection and advocacy agency is permitted  
41 to the extent that the sharing is required by law and complies with the  
42 requirements of that law. The Legislature finds and declares that the federal Health  
43 Insurance Portability and Accountability Act of 1996 privacy rule permits the

1 disclosure of protected health information to a protection and advocacy agency,  
2 without the authorization of the individual who is the subject of the protected  
3 health information, to the extent that the disclosure is required by law and the  
4 disclosure complies with the requirements of that law.

5 **Comment.** Section 4903 is amended to reflect nonsubstantive recodification of the California  
6 Public Records Act. See *California Public Records Act Clean-Up*, 46 Cal. L. Revision Comm'n  
7 Reports 2017 (2019).

8 **Welf. & Inst. Code § 12301.24 (amended). Provider orientation and related matters**

9 SEC. \_\_. Section 12301.24 of the Welfare and Institutions Code is amended to  
10 read:

11 12301.24. (a) Effective November 1, 2009, all prospective providers shall  
12 complete a provider orientation at the time of enrollment, as developed by the  
13 department, in consultation with counties, which shall include, but is not limited  
14 to, all of the following:

15 (1) The requirements to be an eligible IHSS provider.

16 (2) A description of the IHSS program.

17 (3) The rules, regulations, and provider-related processes and procedures,  
18 including timesheets.

19 (4) The consequences of committing fraud in the IHSS program.

20 (5) The Medi-Cal toll-free telephone fraud hotline and internet website for  
21 reporting suspected fraud or abuse in the provision or receipt of supportive  
22 services.

23 (6) The applicable federal and state requirements regarding minimum wage and  
24 overtime pay, including paid travel time and wait time, and the requirements of  
25 Section 12300.4.

26 (b) In order to complete provider enrollment, at the conclusion of the provider  
27 orientation, all applicants shall sign a statement specifying that the provider agrees  
28 to all of the following:

29 (1) The prospective provider will provide to a recipient the authorized services.

30 (2) The prospective provider has received a demonstration of, and understands,  
31 timesheet requirements, including content, signature, and fingerprinting, when  
32 implemented.

33 (3) The prospective provider shall cooperate with state or county staff to provide  
34 any information necessary for assessment or evaluation of a case.

35 (4) The prospective provider understands and agrees to program expectations  
36 and is aware of the measures that the state or county may take to enforce program  
37 integrity.

38 (5) The prospective provider has attended the provider orientation and  
39 understands that failure to comply with program rules and requirements may result  
40 in the provider being terminated from providing services through the IHSS  
41 program.

1 (c) Between November 1, 2009, and June 30, 2010, all current providers shall  
2 receive the information described in this section. Following receipt of this  
3 information, a provider shall submit a signed agreement, consistent with the  
4 requirements of this section, to the appropriate county office.

5 (d) The county shall indefinitely retain this statement in the provider's file.  
6 Refusal of the provider to sign the statement described in subdivision (b) shall  
7 result in the provider being ineligible to receive payment for the provision of  
8 services and participate as a provider in the IHSS program.

9 (e) Beginning no later than April 1, 2015, all of the following shall apply:

10 (1) The orientation described in subdivision (a) shall be an onsite orientation that  
11 all prospective providers shall attend in person.

12 (2) Prospective providers may attend the onsite orientation only after completing  
13 the application for the IHSS provider enrollment process described in subdivision  
14 (a) of Section 12305.81.

15 (3) Any oral presentation and written materials presented at the orientation shall  
16 be translated into all IHSS threshold languages in the county.

17 (4)(A) Representatives of the recognized employee organization in the county  
18 shall be permitted to make a presentation of up to 30 minutes at the beginning of  
19 the orientation. Prior to implementing the orientation requirements set forth in this  
20 subdivision, counties shall provide at least the level of access to, and the ability to  
21 make presentations at, provider orientations that they allowed the recognized  
22 employee organization in the county as of September 1, 2014. Counties shall not  
23 discourage prospective providers from attending, participating, or listening to the  
24 orientation presentation of the recognized employee organization. Prospective  
25 providers may, by their own accord, choose not to participate in the recognized  
26 employee organization presentation.

27 (B) Prior to scheduling a provider orientation, the county shall provide the  
28 recognized employee organization in the county with not less than 10 days  
29 advance notice of the planned date, time, and location of the orientation. If, within  
30 3 business days of receiving that notice, the recognized employee organization  
31 notifies the county of its unavailability for the planned orientation, the county shall  
32 make reasonable efforts to schedule the orientation so the recognized employee  
33 organization can attend, so long as rescheduling the orientation does not delay  
34 provider enrollment by more than 10 business days. The requirement to make  
35 reasonable efforts to reschedule may be waived, as necessary, due to a natural  
36 disaster or other declared state of emergency, or by mutual agreement between the  
37 county and the recognized employee organization.

38 (C) Prior to the orientation, the recognized employee organization shall be  
39 provided with the information described in ~~subdivision (b) of Section 6253.2~~  
40 subdivision (b) of Section 7926.300 of the Government Code for prospective  
41 providers.

42 (f) To the extent that the orientation is modified from an onsite and in-person  
43 orientation, as required by paragraph (1) of subdivision (e), the recognized

1 employee organization in the county shall be provided with the same right to make  
2 a presentation, the same advance notice of scheduling, and the same information  
3 regarding the applicants, providers, or prospective providers who will attend the  
4 orientation, as the organization would receive for an onsite orientation.

5 **Comment.** Section 12301.24 is amended to reflect nonsubstantive recodification of the  
6 California Public Records Act. See *California Public Records Act Clean-Up*, 46 Cal. L. Revision  
7 Comm'n Reports 2017 (2019).

8 **Welf. & Inst. Code § 14105.334 (amended). Drug rebate program**

9 SEC. \_\_. Section 14105.334 of the Welfare and Institutions Code is amended to  
10 read:

11 14105.334. (a) Notwithstanding any other law, upon approval of the Department  
12 of Finance, the department shall seek the necessary federal approvals to establish  
13 and administer a drug rebate program to collect rebate payments from drug  
14 manufacturers with respect to drugs furnished to selected populations of California  
15 residents that are ineligible for full-scope Medi-Cal benefits under this chapter.

16 (b) The department shall administer the drug rebate program for qualified non-  
17 Medi-Cal populations consistent with the applicable requirements and procedures  
18 of the federal Medicaid Drug Rebate Program implemented pursuant to Section  
19 14105.33 and Section 1396r-8 of Title 42 of the United States Code.

20 (c) The department, in consultation with the Department of Finance, shall  
21 determine the non-Medi-Cal populations to be included in the drug rebate program  
22 administered pursuant to this section based on the level to which the department  
23 can demonstrate that their inclusion furthers the goals and objectives of the Medi-  
24 Cal program, increases the efficiency and economy of the Medi-Cal program, and  
25 sufficiently benefits the Medi-Cal population as a whole.

26 (d) The department shall seek any federal approvals from the federal Centers for  
27 Medicare and Medicaid Services, via submission of State Plan Amendments or  
28 other applicable mechanism, it deems necessary to implement this section. This  
29 section shall be implemented only to the extent that any necessary federal  
30 approvals are obtained and federal financial participation is available and is not  
31 otherwise jeopardized.

32 (e) Notwithstanding Chapter 3.5 (commencing with Section 11340) of Part 1 of  
33 Division 3 of Title 2 of the Government Code, the department may implement,  
34 interpret, or make specific this section, in whole or in part, by means of provider  
35 bulletins or other similar instructions, without taking regulatory action.

36 (f) For purposes of implementing this section, the department may enter into  
37 exclusive or nonexclusive contracts, or amend existing contracts, on a bid or  
38 negotiated basis with manufacturers of single-source and multiple-source drugs.  
39 Contracts entered into or amended pursuant to this section shall be exempt from  
40 Chapter 6 (commencing with Section 14825) of Part 5.5 of Division 3 of Title 2 of  
41 the Government Code, Section 19130 of the Government Code, Part 2  
42 (commencing with Section 10100) of Division 2 of the Public Contract Code, and



1 the State Administrative Manual, and shall be exempt from the review or approval  
2 of any division of the Department of General Services. Contracts entered into or  
3 amended pursuant to this section shall be confidential and shall be exempt from  
4 disclosure under the California Public Records Act ~~(Chapter 3.5 (commencing~~  
5 ~~with Section 6250) of Division 7~~ (Division 10 (commencing with Section  
6 7920.000) of Title 1 of the Government Code).

7 (g) Any rebate payments collected from manufacturers pursuant to this section  
8 shall be deposited in the Medi-Cal Drug Rebate Fund, created pursuant to Section  
9 14105.36.

10 **Comment.** Section 14105.334 is amended to reflect nonsubstantive recodification of the  
11 California Public Records Act. See *California Public Records Act Clean-Up*, 46 Cal. L. Revision  
12 Comm'n Reports 2017 (2019).

13 **Welf. & Inst. Code § 16519.55 (amended). Recruitment of resource families**

14 SEC. \_\_. Section 16519.55 of the Welfare and Institutions Code is amended to  
15 read:

16 16519.55. (a) Subject to subdivision (d), to encourage the recruitment of  
17 resource families, to protect their personal privacy, and to preserve the security of  
18 confidentiality of the placements with resource families, the names, addresses, and  
19 other identifying information of resource families shall be considered personal  
20 information for purposes of the Information Practices Act of 1977 (Chapter 1  
21 (commencing with Section 1798) of Title 1.8 of Part 4 of Division 3 of the Civil  
22 Code). This information shall not be disclosed by any state or local agency  
23 pursuant to the California Public Records Act ~~(Chapter 3.5 (commencing with~~  
24 ~~Section 6250) of Division 7~~ (Division 10 (commencing with Section 7920.000) of  
25 Title 1 of the Government Code), except as necessary for administering the  
26 resource family approval program, facilitating the placement of children with  
27 resource families, and providing names and addresses, upon request, only to bona  
28 fide professional foster parent organizations and to professional organizations  
29 educating foster parents, including the Foster and Kinship Care Education  
30 Program of the California Community Colleges.

31 (b) The application form signed by a resource family applicant of a county shall  
32 be signed with a declaration by the applicant that the information submitted is true,  
33 correct, and contains no material omissions of fact to the best knowledge and  
34 belief of the applicant. Any person who willfully and knowingly, with the intent to  
35 deceive, makes a false statement or fails to disclose a material fact in their  
36 application is guilty of a misdemeanor.

37 (c)(1) Before approving a resource family, a county may conduct a reference  
38 check of the applicant to determine whether it is safe and appropriate for the  
39 county to approve the applicant to be a resource family by contacting the  
40 following:

41 (A) Any foster family agencies that have certified the applicant.

1 (B) Any state or county licensing offices that have licensed the applicant as a  
2 foster family home.

3 (C) Any counties that have approved the applicant as a relative or nonrelative  
4 extended family member.

5 (D) Any foster family agencies or counties that have approved the applicant as a  
6 resource family.

7 (E) Any state licensing offices that have licensed the applicant as a community  
8 care facility, child day care center, or family child care home.

9 (F) Any Indian tribe or tribal agency that has approved or licensed an applicant  
10 in any of the categories described in subparagraphs (A) to (E), inclusive.

11 (2) Notwithstanding subdivision (d), within 20 business days of being contacted  
12 by a county, a foster family agency that has previously certified the applicant or  
13 approved the applicant as a resource family shall divulge information, as specified  
14 in the written directives or regulations adopted by the department pursuant to  
15 Section 16519.5 of the Welfare and Institutions Code and unless otherwise  
16 prohibited by law, regarding the applicant to the county that is conducting a  
17 reference check.

18 (d) The department, a county, a foster family agency, an Indian tribe, or a tribal  
19 agency may request information from, or divulge information to, the department, a  
20 county, a foster family agency, an Indian tribe, or a tribal agency regarding a  
21 prospective resource family for the purpose of and as necessary to conduct a  
22 reference check to determine whether it is safe and appropriate to approve an  
23 applicant to be a resource family.

24 (e) For purposes of this section, the term Indian tribe means Indian tribe as  
25 defined in subdivision (a) of Section 224.1 of the Welfare and Institutions Code.

26 **Comment.** Section 16519.55 is amended to reflect nonsubstantive recodification of the  
27 California Public Records Act. See *California Public Records Act Clean-Up*, 46 Cal. L. Revision  
28 Comm'n Reports 2017 (2019).

REVISED COMMENTS FOR CPRA  
CONFORMING REVISIONS

1 Several Comments in the Commission’s recommendation on *California Public*  
2 *Records Act Clean-Up: Conforming Revisions* (Dec. 2019) require revisions, as  
3 shown in strikeout and underscore below:

4 **Bus. & Prof. Code § 9882.6 (amended). Enforcement program to investigate violations**

5 **Comment.** Section 9882.6 is amended to reflect nonsubstantive recodification of the California  
6 Public Records Act. See *California Public Records Act Clean-Up*, 46 Cal. L. Revision Comm’n  
7 Reports 2017 (2019).

8 ~~The section is also amended to make a grammatical correction.~~

9 **Fin. Code § 22380 (amended). Utilization summaries**

10 **Comment.** Section 22380 is amended to reflect nonsubstantive recodification of the California  
11 Public Records Act. See *California Public Records Act Clean-Up*, 46 Cal. L. Revision Comm’n  
12 Reports 2017 (2019).

13 ~~The section is also amended to eliminate gendered pronouns and make another technical~~  
14 ~~change.~~

15 **Gov’t Code § 3105 (amended). Oath or affirmation of disaster service worker**

16 **Comment.** Section 3105 is amended to reflect nonsubstantive recodification of the California  
17 Public Records Act. See *California Public Records Act Clean-Up*, 46 Cal. L. Revision Comm’n  
18 Reports 2017 (2019).

19 The section is also amended to eliminate gendered pronouns.

20 **Gov’t Code § 6204.1 (amended). Noncompliance with Secretary of State’s written notice**  
21 **and demand for record**

22 **Comment.** Section 6204.1 is amended to reflect nonsubstantive recodification of the California  
23 Public Records Act. See *California Public Records Act Clean-Up*, 46 Cal. L. Revision Comm’n  
24 Reports 2017 (2019).

25 ~~The section is also amended to correct a typographical error.~~

26 **Gov’t Code § 65913.4 (amended). Streamlined, ministerial approval process for**  
27 **development application**

28 **Comment.** Section 65913.4 is amended to reflect nonsubstantive recodification of the  
29 California Public Records Act. See *California Public Records Act Clean-Up*, 46 Cal. L. Revision  
30 Comm’n Reports 2017 (2019).

31 The section is also amended to make technical changes that were enacted by 2020 Cal. Stat. ch.  
32 370, § 178 (SB 1371) but chaptered out by 2020 Cal. Stat. ch. 194, § 1.5 (AB 831).

1 **Mil. & Vet. Code § 55 (amended). Inspector general**

2 **Comment.** Section 55 is amended to reflect nonsubstantive recodification of the California  
3 Public Records Act. See *California Public Records Act Clean-Up*, 46 Cal. L. Revision Comm'n  
4 Reports 2017 (2019).

5 The section is also amended to make technical changes that were enacted by 2020 Cal. Stat. ch.  
6 370, § 227 (SB 1371) but chaptered out by 2020 Cal. Stat. ch. 97, § 13 (AB 2193).

7 **Penal Code § 637.5 (amended). Privacy of subscriber to satellite or cable television system**

8 **Comment.** Section 637.5 is amended to reflect nonsubstantive recodification of the California  
9 Public Records Act. See *California Public Records Act Clean-Up*, 46 Cal. L. Revision Comm'n  
10 Reports 2017 (2019).

11 The section is also amended to insert paragraph labels and eliminate gendered pronouns.

12 **Penal Code § 832.5 (amended). Complaint by member of public against peace officer or**  
13 **custodial officer**

14 **Comment.** Section 832.5 is amended to reflect nonsubstantive recodification of the California  
15 Public Records Act. See *California Public Records Act Clean-Up*, 46 Cal. L. Revision Comm'n  
16 Reports 2017 (2019).

17 ~~The section is also amended to make a grammatical correction.~~

18 **Penal Code § 11167.5 (amended). Reports of child abuse or neglect**

19 **Comment.** Section 11167.5 is amended to reflect nonsubstantive recodification of the  
20 California Public Records Act. See *California Public Records Act Clean-Up*, 46 Cal. L. Revision  
21 Comm'n Reports 2017 (2019).

22 The section is also amended to eliminate gendered pronouns ~~and make a grammatical~~  
23 ~~correction.~~

24 **Pub. Res. Code § 21167.6.2 (amended). Certified record of proceedings**

25 **Comment.** Section 21167.6.2 is amended to reflect nonsubstantive recodification of the  
26 California Public Records Act. See *California Public Records Act Clean-Up*, 46 Cal. L. Revision  
27 Comm'n Reports 2017 (2019).

28 The section is also amended to make a ~~technical change~~ technical changes.

29 **Pub. Res. Code § 25402.10 (amended). Utility records of energy usage data**

30 **Comment.** Section 25402.10 is amended to reflect nonsubstantive recodification of the  
31 California Public Records Act. See *California Public Records Act Clean-Up*, 46 Cal. L. Revision  
32 Comm'n Reports 2017 (2019).

33 ~~The section is also amended to make a technical change.~~

34 **Pub. Util. Code § 130051.28 (amended). Inspector general for Los Angeles County**  
35 **Metropolitan Transportation Authority**

36 **Comment.** Section 130051.28 is amended to reflect nonsubstantive recodification of the  
37 California Public Records Act. See *California Public Records Act Clean-Up*, 46 Cal. L. Revision  
38 Comm'n Reports 2017 (2019).

39 ~~The section is also amended to make a grammatical correction.~~

1 **Pub. Util. Code § 132354.1 (amended). Audit of financial transactions and records of**  
2 **consolidated agency**

3 **Comment.** Section 132354.1 is amended to reflect nonsubstantive recodification of the  
4 California Public Records Act. See *California Public Records Act Clean-Up*, 46 Cal. L. Revision  
5 Comm'n Reports 2017 (2019).

6 The section is also amended to eliminate gendered pronouns.

7 **Welf. & Inst. Code § 14087.58 (amended). Records of special commission**

8 **Comment.** Section 14087.58 is amended to reflect nonsubstantive recodification of the  
9 California Public Records Act (“CPRA”). See *California Public Records Act Clean-Up*, 46 Cal.  
10 L. Revision Comm'n Reports 2017 (2019). By updating the references to the CPRA, the  
11 amendment also eliminates an erroneous reference to “Chapter 5” (as opposed to “Chapter 3.5”) and  
12 an erroneous reference to “Title I” (as opposed to “Title 1”).

13 ~~The section is also amended to make a technical change.~~

14 **Welf. & Inst. Code § 14167.37 (amended). Public documentation used to administer and**  
15 **audit program**

16 **Comment.** Section 14167.37 is amended to reflect nonsubstantive recodification of the  
17 California Public Records Act. See *California Public Records Act Clean-Up*, 46 Cal. L. Revision  
18 Comm'n Reports 2017 (2019).

19 The section is also amended to make a technical correction.

CONFIRMING REVISIONS AND COMMENTS  
NO LONGER NEEDED

20 The following conforming revisions and accompanying Comments in the  
21 Commission’s recommendation on *California Public Records Act Clean-Up:*  
22 *Conforming Revisions* (Dec. 2019) are no longer needed and should be withdrawn  
23 from the proposal:

- 24 (1) Health & Safety Code § 127673 & Comment.
- 25 (2) Penal Code § 290.46 (as amended by 2018 Cal. Stat. ch. 423, § 57) &  
26 Comment.
- 27 (3) Pub. Cont. Code § 20665.24 & Comment.
- 28 (4) Pub. Cont. Code § 20919.24 & Comment.